G. R. S. 58]

*Previous references.*

File No. 139-12

19 14

( Courts )

Serial Nos. 1—14

*Later references.*

ers.187-14 C1-52.

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* 1- 14

**Part B for** Feb. 14

---

SUBJECT.

Notice of the conduct of Mr N. Srinivasa Rao, Amildar in investigating a case of murder and his reversion to the 2nd class of Amildars.

---

1. The Sessions Judge Mysore Division no. 1865/372 dy 28-11-12.

Forwards copy of his letter to the Chief Court recommending the conduct of the Amildar be brought to the notice of Govt.

2. From the Dist. Mysore, no 284 dy 7:12:12

Forwards copy of the evidence of the Amildar in the murder case + states that the case of perjury on the Amildar's part has been reported

GPB—5,000—22-10-10

to Government.

3. From the Registrar, Chief Court No 1942/134 dt 6.12.12.

Forwards copy of Sl 1 and ~~the~~ States that the Chief Court consider it unnecessary and inexpedient to give their opinion at this stage

4. To the D.G. of Police & Dy Mysore
No J 1770-1 dt 21.12.12.
Calls for their opinion in the case.

5. From the D.G. of Police D.O. dt 22.12.12.
States that he was not able to get the records of the case & requests that the Govt Advocate may be instructed to furnish him with them

6. From the D.C. Mysore dt 14.1.13 No 375
Submits a report of the inquiry in the case

7. From the ~~Same officer~~ D.G. of Police No C 143 dt 20th Feb 1913
Furnishes his opinion

8. To the Dt & Sessions Judge, Mysore.
Requests the transmission of entire records.

9. From the Same Office
3002/627 dt 27/2/14
states that the records have been sent to the Cf- Magte Mysore

10. From the Cf- Magte Mysore. 295 dt 27/2/13
Forwards the above records.

11. To the Cf- Magte Mysore.
J 2647 dt 8/3/13.
Returns the above records

12 To the Dt Magte Mysore.
332 dt 31/7/13.
Enquires how the trial has ended.

See Red Cover Page 3.

S. ~~No~~ 7
19.12.12.

G.R.S. 11] 1912 9.140

GENERAL AND REVENUE SECRETARIAT.

( Courts )

NOTES.

File No. 139-12

FILE HEADING.

Prosecution of Mr N. Srinivasa Rao, Amildar, Nanjangud for perjury.

From

The Sessions Judge, Mysore Division.

No. 1865/372 Dated 28-11-12 Received 30-11-12

| Diary No. 9432 | Enclos. Two | Spare Copies. - | Serial No. 1 |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

Forwards a copy of his letter addressed to the Chief Court, requesting them to bring to the notice of Government the conduct of Mr N. Srinivasa Rao, Amildar, Nanjangud in connection with Mysore Sessions Case no 7 of 1912-3, accused Siddamada & four others.

NOTES AND ORDERS.

1) Subd for perusal.

SW(11)
2/12/12

2) The Sessions Judge of Mysore is of opinion that Mr N. Srinivasa Rao, Amildar of Nanjangud

NOTES—First Sheet.

GPB—30,000—12-8-11

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gave false Evidence in a Case of murder (no 4 of 12-13 on the file of the Sessions judge) in which he figured as a witness having investigated the Case in his Capacity as a Police officer. He has requested the Chief Court to bring the Case to the notice of Govt for such orders as they may deem fit to pass and has also forwarded direct to Govt a Copy of his letter to the Ch. Ct. and of the judgment in the Case. He adds that he would himself have ordered the prosecution of the Amildar but for his position in the Mysore Service.

3) The opinion of the Ch. Ct. has not yet been received and the judgment alone does not seem to be sufficient to arrive at a Sound Conclusion. It is probable that as remarked by the Judge the Amildar was both perfunctory and dilatory in the investigation of the Case and it is not unlikely that in the

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

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Serial No.

details of the Evidence he was not very accurate. But he does not seem to have been actuated by any improper motive and it is a question whether in the circumstances an officer of the Status of an Assistant may be ordered to be prosecuted. It is desirable that as a rule, an investigating officer should not have the threat of a prosecution hanging over them heads when Conducting investigations into serious offences.

4) Perhaps the opinion of the Ch. Cl. may be awaited.

2/12/12

Sec'y

5) Unless the Case goes before the Chief Court on appeal or otherwise I am not sure if they would take up and make a reference to him for above the Assistant's conduct.

6) A Copy of the Sessions Judge's Judgment

NOTE—Contn. sheet.

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May perhaps be sent confidentially to Dist. Magr. for his opinion with the explanation of the Accd. in respect of the charges made against him.

23 4/12

1st Councillor & Dewan

4/12

1123

1) The Chief Court is not likely to give any opinion on the merits of the matter at this stage. The opinion of the Dist. Magr. & the I.G. of Police may be confidentially called for. Unless the Cr. Case itself is to be taken up in appeal or revision before the Chief Court, the records will have to be obtained & examined.

408 7.12.12

5/6/12

23 5/12

7/12

8. As suggested by the First Councillor, the opinions

NOTE—Contn. sheet.

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Serial No.

opinions of the District Magistrate and the I. G. of Police may be called for. The records of the Sessions Court may be requisitioned for examination on receipt of of the above reports.

I shall be glad if the Secretariat handles the case so as to enable Government to reach an early decision.

14.12.12. RG

9. B. III.
Please put up draft
DR
10. Thyagi
SA
16/1-1/12

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | Cb File No. 139 of 1912-13

Serial No. 2

From the District Magistrate of Bangalore, No 284 of 7-12-12

Forwards a copy of the evidence of Mr. N. Srinivasa Rao, Amildar of Nanjangud and states that the case of perjury brought against him has already been reported to Govt. by the Sessions Judge, Bangalore.

11. Subd. The file was subd to Dewan on 12-12-12 ~~12~~ 7-12-12.

12-12-12

SW 12/12

12 Subd in Continuation.

Lt 14/1/13

Read Govt Order

Dewan

The file is received with orders.

Dewan

3. From the Registrar, Chief Court, No. No. 1942/13-4 d: 6-12-12

To

Forwards a copy of the Dt. Judges' letter (S. No. 1) and states that the Chief

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

Cp File No. 139 of 1912-3.

| Serial No. | |
|---|---|
| | Court consider it unnecessary and inexpedient to give any opinion at this stage. |
| | 13) Subd with a draft letter to the I.G. of Police & Dt. Magte, Mysore as directed by the Dewan (vide page 5 of office note). |
| | SN 14/12 |
| | 16/12/12 |
| | 16/12/12 |
| | Secy) |
| | 14) Approved. |
| | 19/12 |
| | 15) Ordered. |
| | 19/12/12 |
| | Issued 19/12/12 |
| 4 | To the I.G of Police and the D.M. Mysore |
| | No. 1770-1 of 21-12-12 |
| | calls for their opinion. |
| 5 | D.O. dated 22/12/12 |
| | From the I.G. of Police |
| | Re his opinion in the matter states that he could not get the records from the Sessions Court, and requests to get ~~the same through the Govt~~ here |

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

File No. 139 of 1912-13

Serial No.

instruct the Govt. Advocate to get him the same.

Secretary's orders thereon :-

16) "Branch III : Please put up alone with the file"

Initd K.R.S.
23/12/12
Initd S.H.
23/12/12

17) File submitted herewith. The reply from the Dt. Magistrate Mysore has not been received yet.

(S.S.)
26/12/12

18) The opinion expressed is not final & has the Dt. Magistrate really been asked. We may await that - issuing timely reminders.

26/12/12

19) Please issue a reminder to the Dt. Magistrate Mysore ; and submit after 15th if no reply is received by that time.

2/1/13

7/1/13

2/1/13

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

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Serial No.

W) Drafts of reminders are Submitted for approval.

HCS 122 W(11)

8-1-13.

Reminders issued. N J 1946 } Dm. Mysore
J 1947 } D.S. Police
8 11-1-13.

9/1/13

Subd 4) No reply is received. The file is Submitted as directed by the Secretary on the previous page

HCS 122 W

15/1/13

Sec 7) SPR 16.1.13

Rec'd from Sec'y back on 17/1.

6 From the District Magistrate of Mysore. N 375 & 14.1.1913.

Submits a report as to the result of his enquiry in the perjury case against Mr. N. Srinivasa Rao, Amildar of Nanjangud.

22) Subd for orders. The I.G.P's final report has not yet been received.

HCS 122 W

17.1.13.

23) The receipt final report of the I.G. to whom a reminder was issued on 11-1-13 may be awaited for a few days more & the case considered after

NOTE—Contn. sheet.

General and Revenue Secretariat.

(b) File No. 139 of 1912

Serial No.

after the D.G. of Police's opinion is obtained.

Sec'y) SPR 17.1.13

U4) If no reply is received from him by 18th, another reminder may be sent to him & the file resubmitted for order.

VS 18/1

SPR 18.1.13

U5/

From Mr. C. Srikanteswara Aiyar,

DO dated 20th January 1913.

Requests that the entire records connected with the enquiry into the Conduct of the Amildar of Nanjangud may be sent to him for reference.

VS) Subd. with a draft D.O. forwarding the records.

SR 21/1/13

U6) Issue

SPR 21.1.13

To Mr. C. Srikanteswara Aiyar

D.O. dt 21st Jan'y 13

Forwards the entire records required by him and requests that the same may be returned early with his opinion already called for.

U7) The Secretary directed that a DO

Issd 23.1.13

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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General and Revenue Secretariat.

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Serial No.

to the D.G. of Police

Reminder (calling for his opinion in the matter may issue urgently.

Subd with a draft D.O.

KG:-129
28/1 SN 28/1 28) Issue SPR 28-1-13

Sus 28-1-

From Mr. C. Srikantiswara Iyer, D.G. of Police

D.O. of 2-2-13.

States that some further information is necessary & that he will send a separate report in the course of a few days.

29) Subd. The ~~further~~ report promised may be awaited.

SN 14/2/13 30) Yes SPR 4/2/13

Sus 4/2

31) I shall wait the ~~expiration~~ expiry of two days & received from the D.G. after 15th inst. 22 12/2 Date 13/-

SN 12/2/13

submitted

32) No reply has been received till now from the D.G. of Police.

Sec'y (5-8) 15/2/13 33) Please issue a reminder SB 15/2/13

Note—Contn. sheet.

SB 18/2/13 Date 18/2

Put up draft SPR 18/2/13

GPS—85,000—17-6-12.

10

General and Revenue Secretariat. | CJ File No. 139 of 1912.

Serial No.

34) Subd with a draft reminder.

SN 18/2/13

35) Issue

Sdd 18/2/13

To Mr C. Srikanteswara Aiyar BA BL.

No. J 2363 d. 19-2-13.

Requests him to expedite the report called for.

7. From the same Officer,

No. C43 dated the 20th Feby 1913. (recd on 24/2/13).

Furnishes his opinion in regard to the alleged perjury said to have been committed by Mr N. Srinivasa Rao in Mysore Sessions Case No. 7 J 62-13 & forwards a note of departmental enquiry held by him in regard to the Police officials concerned in the said case.

36) The Dewan has ordered that on receipt of the above report, the records of the Sessions Court might be requisitioned for examination (vide page 5 of the office note) Sdd with a draft to the Hon'ble Judge, Mysore, Calling for the records.

SN 25/2/13

37) Has not the order been

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

jm 25/2 (11

General and Revenue Secretariat.

CJ File No. 139 of 1912.

| Serial No. | |
|---|---|
| | The order has been issued but the appeal has not been filed. This ascertained in the first Advocate's office. We may send the records whenever required SW |
| 1 | issues regarding the appeal against the acquittal in the Kanya murder case? If issued, how can the records be called for now by Govt., as the records will be required by the Chief Court? Kindly please bring up SDK 25/2 |
| | 38) Draft to the Sessions Judge calling for the records which are necessary for the proper treatment of the case. They can be returned if wanted by the Chief Court in Connection with the appeal against the order of acquittal passed by the Sessions Judge. Dr Le 4) SDK 25/2 Sd) Draw 25/2 SR 25/2 VS 25/2 Draw 25/2 |
| | 39) Issue SDK 25/2 |
| 8 | Mr Dt. & Sess: Judge, Mysore |

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

(12

[G. R. S. 12]

General and Revenue Secretariat.

Cls File No. 139 of 1912-3

| Serial No. | |
|---|---|
| 8 | No: g 2525 d: 24.2.13. Requests the transmission of entire records in Sessions Case no 7 of 12-13 (Kanya murder case) & states that the same will be returned whenever required. |
| 9 | From the same officer, no 3002/627 d: 27-2-13 States that the records in the Case in question have been sent to the City Magistrate, Mysore, who has been requested to send the same direct to Govt. |
| 10. | From the City Magistrate, Mysore. No 295 d: 27-2-13 Forwards the above records and requests that the same may be returned on or before the 8th March 1913 as the same is reqd in connection with crl Case no 218 of 12-03 on the file of his Court. |
| | Subd with a short history of the Case |

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

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General and Revenue Secretariat.

CJ File No. 139 of 1912

Serial No.

40) The Sessions Judge, Mysore division brought to the notice of the Chief Court that in the course of the trial of Sessions case no 7 of 1912 (Kanya murder case) he found (1) that the investigation of the case conducted by the Amildar of the Nanjangud Taluk (Mr. N. Srinivasa Rao) was disgracefully perfunctory & dilatory, (2) that he (the Amildar) perjured himself & gave false evidence before him which he knew to be false, & (3) that he also tutored the Patel of the Kanya village to give false evidence - that he issued orders for the prosecution of the Patel and that as regards the Amildar's conduct, requested the Chief Court to place the matter for the orders of Govt.

41) A copy of the above letter was also forwarded to Govt. direct. The Chief Court in forwarding the Sessions Judge's letter for disposal of Govt, observed that they considered it unnecessary and inexpedient to give any opinion at that stage. The Govt thereupon called for the opinions of the Inspector General of Police & the Deputy Commissioner, Mysore District, in the matter.

42) The Deputy Commissioner made further enquiries and allowed the Amildar to

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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inspect the records and to submit his explanation on the several irregularities noticed by the Sessions Judge. He is of opinion that the Amildar committed perjury and that his explanation in the matter appeared to him unsatisfactory and that there is also reasonable ground to believe that the Amildar might have tutored the Patel to make a false statement, but that he could not examine the patel on that point as the case is under enquiry. As regards the investigation of the case by the Amildar, he endorses the view taken by the Sub Division Magistrate of Navsari that the breakdown of the case was entirely due to want of proper investigation. He also comments on the conduct of the Police Inspector of the Taluka (Krishnarao) who though pleading ill at the time appears from the records to have had a share in the investigation of the case. He further thinks that the Amildar being inexperienced must have consulted the Inspector and acted under his influence.

43) The Inspector General of Police who has made a searching and detailed enquiry states comes to the conclusion

NOTE—Contn. sheet.

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(1) that the Amildar has displayed throughout grossest ignorance of elementary rules and principles of Police investigation

(2) that the charge of perjury seems to have based only on inferences from the evidence on record, but that on a close perusal of the records and of further facts elucidated at the recent enquiry, there does not seem to be any ground to establish that the Amildar deliberately gave false evidence knowing it to be false; and

(3) that there is no direct evidence to prove that he tutored the Patel to give false evidence and that as the patel's conduct is under judicial enquiry, he would refrain from giving any opinion.

(44) He concludes that the learned Sessions Judge's suspicions about the truth of the Patel's report in the case have been now cleared by throwing the blame on the Police Jemadar of Kavlende and the Constable under Ramachandra Rao, whose conduct the Dy. says is being separately dealt with.

(45) On a separate reference from the Dy. that apart from the irregularities in the prosecution of the case, there are good

NOTE—Contn. sheet.

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(15

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General and Revenue Secretariat.

Cl- File No. 139 of 1912

Serial No.

grounds to file an appeal ~~against~~ against the order of acquittal passed in the case, the Govt directed the Govt Advocate to file an appeal & report the result for the information of Govt.

46) ~~The~~ Courts file no: 145 of 1912 in which the criminal work of this Amildar, in which the case has been commented upon is also linked as directed.

SN 1/3/13

47) The present reference is the result of certain remarks passed by the Sessions Judge Mysore against the Mr Srinivasa Rao, the Amildar of Nanjangud in his Judgment in the Kanya murder case. The opinions of the Dr Magle & the I.G. of Police were called for by Govt on the matter & have now been furnished. The Memorandum of the I.G. of Police goes fully into the points raised by the Sessions Judge in detail and he has come to the conclusion that there can be no two opinions as regards the perfunctory nature of the Amildars investigation

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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General and Revenue Secretariat.

G File No. 137 of 1912

Serial No.

of the case; but that the charge of perjury against the Amildar is not maintainable. The Dt. Magte seems inclined to agree with the Sessions Judge as regards the question of perjury also. It may however be observed that the D.G. has arrived at his conclusions after some detailed searching enquiries at the spot regarding the matters at issue.

48) As regards the question as to the ~~question~~ inadequate character of the investigation of the case, there can be no two opinions, as the D.S. truly says. All the superior officers ~~are~~ upto from the Asst Dt. Magte to the Head of the Police Dept are quite agreed on this point. The gist of the perfunctory investigation may be summed up thus: the Amildar failed to inspect the scene of occurrence early enough when such an inspection would be of any use; he failed to probe the case to the bottom ~~of the case~~, so as to bring out clearly the motive for the offence & other details connected therewith; he simply contented himself with

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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examining a few witnesses brought to Nanjangud by the Jemadar; & lastly he failed to secure the weapons with which the offence was committed & to secure other circumstantial evidence which would go to strengthen the prosecution case. The failure of the case was due, to no small extent, to the grossly inadequate nature of the Amildar's investigation.

49) The charges of perjury against him have been clearly analysed by the D.G. of Police & relate to

(1) the submission of the FIR

(2) the hour of the receipt of the Karya Patel's report regarding the offence

(3) the presence of & exam^n. of the Patel by the Amildar.

50) (1) As regards the first point, the D.G. has clearly brought out that there is no reason to think that the Amildar gave false evidence. The Sessions Judge's observations are based on inferences and the fact now brought to notice that the duplicate copy of the FIR was received in the Dupti office at Mysore at 2-30 PM on

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

the 24th effectively disposes of any suspicion regarding the time of the despatch of the T. R. That it was received only on the morning of the 25th by the Sub D.I. magte only points out to some carelessness in its despatch in the Cutchery.

(2) The discrepancy noted by the Sessions Judge as regards the hour of receipt of the Talis' report by is as follows :- The Jemadar States that he submitted the Talis report at about 3.30 PM to the Amildar when the inquest was just beginning & that the Amildar told him to wait ; whereas the Amildar States he did not receive it till 7 PM. Thus it resolves itself into the question as to who speaks the truth — the Amildar or Jemadar. There is no corroborative evidence to support the Jemadar's Statement. It must therefore be held that there is but slender ground for ordering the prosecution of the Amildar for perjury, on the basis of the Jemadar's Statement. Moreover, as it is now known, after the DG's enquiry, that the

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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Jemadar has been guilty of making false statement with regard to the time of receipt of the report by him. The evidence recorded by the J.G. tends to show that the Amildar is nearer the truth than the Jemadar.

(3) As regards the third point, the J.G. in his memo confines himself to the question of the examination of the Patel on the 25th or 26th but does not refer to the presence of the Patel at Nanjangud on those dates. That the Patel was present at Nanjangud at the time is established beyond the shadow of doubt. It is this fact which the Amildar attempts to deny; & in denying it, ~~he must be~~ it is clear that he is speaking something which he must have known to be false. It may be that he was confused as regards Oral exam^n & recorded statement; but there can be no confusion regarding the physical presence of a particular person at a particular place. If the Amildar admitted his presence, he can have no reasonable excuse to urge

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why he omitted to record his statement & hence probably, he sheltered himself behind the statement that the Patel was not present at Naujanjud between the 25th & 27th Sep. 1912.

51) A careful perusal of the entire records — Jud! as well as Extra Jud! shows that all the Offcers who has anything to do with the Case did no credit to themselves. The Dt magte finds that the Inspector was not free from blame; as regards the Jemadar, the JG comes to the Conclusion that he was guilty of wilful perjury as to the statement about the time of his receipt of the Patel's report. It is a question for consideration whether his prosecution may not be ordered. There is abundant evidence now forthcoming owing to the JG's local enquiries that the report was delivered to him at Dasanur at about 5 PM on the 23rd inst & not at 2-30 AM at Kare Mollay on the 24th, as alleged by himself. The Sessions Judge believed him, on the evidence then available. But, in the interest of Justice; as well as

NOTE—Contn. sheet.

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Serial No.

Schedule Matter (vide VII of Schedule proceedings of public Servants &c)

of this case, it seems desirable that his prosecution for perjury should be ordered.

52) Submd for orders.

SDM 5/3

Dy Sec'y

53) Three orders are now required on the points relating to Mr N. Sreenivasa Rau – Bundar of Nanjangud.

54) As regards the first point viz careless & perfunctory investigation of an important murder case, there exists a concensus of opinion, the Sessions Judge the District Magistrate and the D.G. of Police being of the same opinion. This can be dealt with, if deemed fit, independently of the result of the appeal filed by the Govt against the acquittal of the accused in the Sessions.

55 But as regards the two other matters, it is a point for consideration whether their disposal should not be deferred until some time hence.

56 The charge of perjury laid at his doors by the Sessions Judge, & afterwards concurred in by the District Magistrate, is refuted by the D.G. of Police on grounds carrying independent weight. Besides, it may affect the mind of the Chief Court during the appeal proceedings. The expediency of deferring orders on it until the disposal of the appeal seems worthy of consideration.

57 The other charge of abetment of perjury

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

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by the Patel, urged against the Bundar, is even less fit for immediate orders. Because, the prosecution of the Patel for the alleged perjury itself is pending - besides, the appeal against the acquittal has to be disposed of.

D. M. Narasgekar
5/3/13

Secy)

58 I agree with the Dep^t Sec^y that it is desirable to defer passing orders in this matter till the appeal preferred by the Govt. Counsel against the acquittal in the murder case and the prosecution ordered to be instituted against the Patel for perjury are disposed of. If this view is accepted the records received from the Ag. Magt. of Surat will be returned to him at once as they are required by him or before the 8th inst. in connection with some other case (appeal pending the perjury case against the Patel).

LB
1st Counsel 8/3/13

7/3.
5/12

59) Records may be returned. If the file is sent back to me I wish to go

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

C R. S. 12]

General and Revenue Secretariat.

Cls File No. 139 of 1912

Serial No.

through the Dy's Memo dy

7/3/13

Bill

(60) Please return the records as early as possible to the 1st Court clerk

7/3

Recd 5.30pm

(61) a draft returning the records is put up.

8/3/13

(62) Issue

8/3/13 dated 8/3

11 To The City Magistrate, Mysore.

No. J 2607 - Cls 139:12-11 dt: 8-3-13

Returns the records recd with S.No: 10. Encl to the Sessions Judge, Mysore.

Forwards a copy of the above

Resubd as ordered.

10/3/13

1st Cls

(63) Seen & returned. The Papers may be brought up again after the two cases are disposed of.

dated 12/3

Cls

To keep in the Shelf & mention here.

NOTE—Contn. sheet.

11/3/13

12/3

16/3/13

11/3

GPB—85,000—17-6-12.

2389

R. S. 12]

General and Revenue Secretariat. | C5 File No. 139 of 1912-13

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64) The appeal against the order of acquittal passed by the Sessions Judge of Mysore in the Kanya murder case has been dismissed by the Chief Court. Draft to the District Magistrate of Mysore enquiring how the trial of the Patel on the charge of perjury has ended in order to appeal against the order.

Vide C5 file 190/1912 below (Flag H)

Eg. - 129

28/7/13 SW 29/7/13

Flag H

65) In their Judgt on the appeal Case, the Judges State remark that they see no reason to endorse the Sessions Judge's remark that the Amildar has committed deliberate perjury.

66) The draft to the District Magte enquiring as to the result of the case perjury Case against the Patel may be approved

Dr Lewis

SW 30

67) Issue Early and with reminder.

Issued SW 31/7

12 To The District Magistrate, Mysore

No J 832 dy 31.7.13

P.T.O.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

ct File No. 139 of 1912-13

| Serial No. | |
|---|---|
| | Enquires how the trial for perjury that the Patel of Kaiya was ~~[illegible]~~ undergoing has ended. |
| 13 | From the Dist. Supte., Mysore Dist No 161 dy 23.8.13 States in reply that the Patel was convicted and sentenced to 3 months' rigorous imprisonment & forwards a copy of the judgment. |
| | (68) In the case of appeal against the order of acquittal in the murder case, the judges of the Chief Court could find no reasonable motive for the Patel ~~[illegible]~~ to deliberately lend support to a false case against the respondents (accused persons) |
| | (69) The Patel has however been convicted of perjury & sentenced to 3 months' rigorous imprisonment by the City Magistrate of Mysore. |
| | (70) Both the pending cases having now been disposed of, this is resubd as per para 63. Kg -129 25.8.13 NM. |
| | Dy Secy) SPL 26/8 Dy Secy 26/8 SPL (Sr Compiler) |
| | (71) I believe this Amildar has been transferred to Koppa Taluk. No further notices |

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat | File No. 139 of 1912-13

Serial No.

need be taken of the alleged perjury or subornation of perjury

72) His share of the work of investigation was badly mismanaged. He may be warned that unless his work in this department is better done, his further promotion will be stopped.

DEwan

28/8/13

4497
30-8-13

In 22/8 June 29/8 JOR 29/8

73 The confidential reports on the man's work since he was appointed Amildar may be sent up with a review by the Secretary. The Revenue Commissioner may also be consulted.

21.10.13. RC

74 Secn.

Put up Extracts from Rev. Confl. report

In 22/10

75 Extract put up in a sealed ~~Closed~~ Cover

VS

23-10-13

NOTE—Contn. sheet.

Extract detailed & filed in council sec. 16.1.14

GPT—85,000—17-C-12

G. R. S. 12]

General and Revenue Secretariat.

45 File No. 139 of 1912.

| Serial No. | |
|---|---|
| 76 | Extract from the Register of Confidential reports about relating to this amildar is herewith put up (in duplicate) |
| 77 | It will be seen that the opinion about this amildar have all along been unfavorable. The Asst Collr (Mr Beveridge) Dept Collr (Mr Kanlang) Dist. Mr Chaudy & the Rev Collr (Mr A Narayana Menon) have all condemned him. Nor has he ever been a good word put in his favour by anybody. 25/10/13 |
| 78 | Forwarded unofficially to the Revenue Commr for favour of opinion (vide Devan's demi-official No 15/10 dated 24/10/13) 25/10 |
| 79 | He is incompetent in Police investigations & unsatisfactory in other ways He is unfitted for the responsibilities of an amildar. 30.10.13 |

N.O. No. J 15 1913-14 d. 27.10.13

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

G. R. S. 12] (4)

General and Revenue Secretariat. 45 File No. 139 of 1912

| Serial No. | |
|---|---|
| 5903 1. 11. 13 | Dewan. ZS 31/10/13 80. To be circulated to the Councillors brought up at a meeting 15/11/13 RG 81. Circulated to the Councillors 17/11 Dewan 17/11 Seen - 20/11/13 Dewan 21/11 seen WH Note for meeting 25/11/13 Dewan 25/11 |

Meeting

Brought up at the meeting on the 1st December 1913, but not taken up for want of time.

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

GPB—1,000—19-7-13

30

Extract from the Proceedings of the 308 th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 20 th Dec 1913.

1. Subject.- (Clause v of the Schedule).

Conduct of Mr.N.Srinivasa Rao, Amildar, in connection with the Karya Murder case.

OPINION OF THE COUNCIL.

Though the Inspector General of Police as well as the Chief Court have differed from the Sessions Judge in respect of his remarks that the Amildar Mr.N.Srinivasa Rao had committed deliberate perjury, every one of the officers who enquired into the matter - the committing Magistrate, the District Magistrate and the Inspector General of Police - has found that the investigation of the case by the Amildar was most unsatisfactory, displaying the grossest ignorance of even the elementary principles of Police work. The confidential reports of this officer for the past 5 years show that the record of his work has been uniformly u-

satisfactory. In the circumstances, the Council is of opinion that the Amildar who is now sub pro tem in the 3rd class may be reverted to the 4th class and warned that he will not again be given any promotion, permanent or temporary, until he shows decided improvement in, and is reported on favorably with regard to, his Police work and general efficiency as an Amildar.

x x x x x

(Signed) M.Visvesvaraya
DEWAN OF MYSORE.

"Extract"

D. N. Narasinga Rao.

Dy. Secretary to Government.

G. R. S. 12]

32

General and Revenue Secretariat.

65 File No. 139 of 1912-13

| Serial No. | |
|---|---|
| | An Extract from the Council Progs and a draft Submission Note are put up for further orders. Bruce Angelow 28/12 |
| | D Swaye) |

6863
29.12.13

NOTE—Contn. sheet

G P B—60,000—7-11-13

*Submitted to His Highness.*

These papers relate to the alleged improper conduct of Mr. N. Srinivasa Rao, Amildar, in connection with a criminal case known as the Karya Murder case.

2. The facts are briefly as follow:--

The Sessions Judge, Mysore Division, brought to the notice of the Chief Court that, in the course of trial of the above murder case, he found (1) that the investigation of the case by the Amildar of the Nanjangud Taluk (Mr. Srinivasa Rao) was perfunctory and dilatory; (2) that he gave false evidence in the Sessions Court and (3) that he also influenced the Patel of the Karya village to give false evidence. The Judge also stated that he had issued orders for the prosecution of the Patel and that, as regards the Amildar's conduct, the matter might be placed before Government. The Chief Court forwarded the letter to Government without remarks as the case was likely to come up before them judicially.

3. The case subsequently went up before the Chief Court in appeal, wherein they observed that they saw no reason to endorse the remark of the Sessions Judge that the Amildar had committed perjury.

4. But there is quite a consensus of opinion to the effect that the conduct of the investigation of the case by the Amildar was most unsatisfactory.

5. In another connection also, the Chief Court have endorsed the following remarks made by the City Magistrate of Mysore as being quite deserved:--

"I regret to observe that the proceedings

of the Amildar Magistrate bristle with perverse logic and a certain degree of arbitrariness, while betraying on his part a lamentable ignorance of the essentials of Criminal law".

Page 28 of the office notes

Page 30 of the office notes -

6. The Revenue Commissioner is of opinion that Mr. N. Srinivasa Rao is unfit for the responsibilities of an Amildar; but the Council are of opinion that it is sufficient to revert the Amildar, who is now sub pro tem in the third class, to the fourth class and to warn him that he will not again be given any promotion until he shows decided improvement and is reported upon favourably with regard to his Police work and general efficiency as an Amildar.

7. I solicit the gracious sanction of His Highness to the action recommended by the Council.

M. Viswanatha

4th Jan. 1914.

34

**Record of Cases submitted for the Orders of His Highness the Maharaja**

## *Subject.*

Alleged improper conduct of Mr.N.Srinivasa Rao, Amildar, in connection with a criminal case known as the Karya murder case.

571/

## *Order.*

Sanctioned

~~KRM~~

14/1/14

Secretary

14.1.14.

16/1/14

B 111

Please let me see the papers

16/1

15/1

seen 16/1

SPR 16/1

G. R. S. 12]

691

36

General and Revenue Secretariat.

65 File No. 139 of 1912-13

Serial No.

Subd with a draft order.

Reg. -116
19/1/14
(48)
19/1/14 Dy Secy) SDR 20/1

A typ draft as revised may be put up Dueo 24/1/14

Typ draft subd.

Reg. -116
26/1/1914

Dy Secy) SDR 26/1

Secy) Dueo 28/1/14

Thanks, seen.
The Dy Secy may submit the
copy to Member in charge

1st Member) 28/1 Dueo 29/1

Draft approved by the First Member

Reg
30/1/14. 30/1 Dueo 30/1

Issue
SDR
30/1

14 To The Regr. Chief Court
The Rev Com in Mysore
The DG of Police in Mysore
The D.C., Mysore Dist
The Comptroller Mysore
P.O.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191

Serial No.

No J2175-9 dy 2-2-1914.

Directs that the Amildar who is now sub-pro-tem in the third class may be reverted to the fourth class & warned that he will not again be given any promotion, permanent or temporary, until he shows decided improvement & is reported upon favorably with regard to his Police work and general efficiency as an Amildar

B
25-2-14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

11/29/11 Sec

1902-13. 143

C5138-12

From R. B. Plumer Esquire, M.A.
Sessions Judge, Mysore Division,
Mysore.

To
K. R. Srinivasa Iyengar Esquire, M.A.
Secretary to the Government of Mysore,
General and Revenue Departments,
Bangalore.

Dated 28th November 1912.
Despatched "
Received

General No. 1865
No. 372
Enclosure No. Two.

Sir,

I have the honour to submit herewith, for information, copy of my letter No. 1819/242 dated 25th November 1912 addressed to the Registrar, Chief Court, Mysore, requesting the Honourable the Chief Court to bring to the notice of Government the conduct of Mr. N. Srinivasa Rao Amildar of Nanjangud Taluq in connection with Mysore Sessions Case No. 7 of 1912-13 (accused

GPB—75 reams—25-5-10

Encl to Cs 139-12-1

1902-13.

From

R. B. Plumer Esquire,
Sessions Judge, Mysore Division,
Mysore.

To

V. A. Rajaratna Mudaliar Esquire,
Registrar, Chief Court of Mysore,
Bangalore.

Dated 25th November 1912.

Despatched "

Received

General No. 1819

No. 2242

Enclosure No.

---

Sir,

Adverting to this office No. 1714/229 dated 18th November 1912 forwarding a copy of the judgment in Mysore Sessions Case No. 7 of 1912-13, I have the honour to request the kind attention of the Honourable the Chief Court to paras 14-31 thereof discussing points that throw light on the conduct of Mr. N. Srinivasa Rao, Amildar, Nanjangud Taluq both as a Police Investigating officer and as a witness for the prosecution before this Court.

2. There is ample material on record to show that not merely was the Amildar's investigation disgracefully perfunctory and dilatory but also that this officer has deliberately perjured himself and given evidence which he knew to be false. He also undoubtedly took advantage of the tiffin interval to tutor a patel to give false evidence in support of his own false statements.

3. The prosecution of the patel for perjury will be ordered.

4. Before ordering the prosecution of the Amildar it seemed to me in view of the offender's official position as a graded officer of the Mysore Service that the orders of Government in the matter should be obtained.

5. I would therefore request that the Honourable the Chief Court may be kindly pleased to place the matter before the Government for such orders as they may deem fit to pass.

6. I would add that the Amildar in his evidence Admitted that though he had been Amildar 5½ years he had only investigated <u>one</u> Criminal Case prior to the present case.

I have &c

(Sd) R. B. Plumer,

Sessions Judge.

"Copy"

R B Plumer.

Sessions Judge.

hrsm

DIARY No. 11579

1912-1913.
SECTION Cs.
FILE No. 139-12
SERIAL No. 2

5

Office of the District Magistrate,
Mysore District,
Dated, Mysore, 7th December 1912.

From

K.Chandy Esquire., B.A.,
District Magistrate, Mysore District.

To

K.R.Srinivasa Iyengar Esquire., M.A.,
Secretary to the Government of Mysore
General and Revenue Departments.

Sir,

I have the honour to submit for orders of Government a copy of evidence given by Mr. N.Srinivasa Rao, Amildar of Nanjungud before the Court of Sessions in the Mysore Sessions case No.7 of 1912-13, received with the Sessions Judge's letter No.1968-388 dated 5th instant and to state that the Sessions Judge has intimated that he has submitted a copy of judgment in the case direct to Government in which it is stated that the Amildar has ~~submitted~~ committed perjury.

I have the honour to be,
Sir,
Your most obedient Servant,

K.Chandy

District Magistrate
Mysore District.

H.V.T.

191

From The Deputy Commissioner Bangalore

To The Secretary to Govt General & Revenue Dept Bangalore

Dated

Despatched 7.12.1912

Received

General No. 284

No.

Enclosure No. one deposition

Forwarding copy of the evidence given by Rao Sahib V. Srinivasa Rao Avl Dewan Bahadur before the Sessions Judge Bangalore in Sessions Case No 7 of 1912-13.

GPB—50,000—26-9-12

In the Court of Session, Mysore Division.

Deposition sheet,
Form No. 38, Criminal

GBPM—2,800—14-12-911

Mysore Sessions Case No. 7 of 1912-13.

Deposition of witness No. 2 for Prosecution

taken on affirmation / ~~oath~~ this 11th day of November 1912.

Witness' age appears to be about 46 years.

---

My name is Mr. N. Srinivasa Rao

My father's / ~~husband's~~ name is Bhima Rao

I am by caste Brahmin and by occupation Auildar

I reside at Nanjangud Taluk Nanjangud

District Mysore.

On the 23d September last I received information that the corpse of one Jogi of Kanya village, Nanjangud Taluk, had been brought to Nanjangud. The elder brother of the deceased by name Sidda had accompanied the corpse. I recorded his statement and sent a 161 information report of murder including these five accused as the persons accused of the deed. Exhibit $P_2$ is that 161 information report.

By

By Court. It was sent to the Nanjanged Sub Division magistrate. I gave it to the writer to despatch it at 6 P.M. on the 23d September. I do not know when the writer despatched it. I see it bears the initials and endorsement of the magistrate as having been received at 8 A.M. on the 25th September. I cannot account for the delay. The magistrate was in Nanjanged Kasba then

Examination in Chief.

It was about 3 P.M when I recorded Sidda's statement. At 4 P.M I held an inquest on Jagis corpse near the dead house. A Police Constable from Kowlandé Station had accompanied the corpse. I examined Banun Sabi and deceased's brother Sidda at the inquest. Banun Sabi had accompanied Sidda. I dont know why. Exhibit P3 is the inquest report. When I examined

the

the coipse there was a contusion on the forehead from which blood had oozed. There was a swelling under the right ear of about the size of a small lime. The left side of the abdomen had swollen. The left side of the chest was of a blue discoloration. There were various superficial grazes, contusions and abrasions on different parts of the body as noted in Exhibit P3. About 7 P.M, after the completion of the inquest just as the body was being delivered over to the Assistant Surgeon, the Jemadar of Kowlande Station arrived. He brought with him a report of the occurrence from the patel of Kanya. Exhibit P4 is that report. I did not include it in the 1st information report. I had written my 1st Special Diary by then. I have

mentioned

mentioned in that Diary that the patel's report had not till then been received. The Jemadar brought me the patel's report about 7 P.M on the 23rd.

The 1st information had been despatched before that; my 1st Special Diary had been despatched (Witness corrects when read over had been completed. I do not know when it was despatched) before that. I have endorsed on Exhibit P4 the time of receipt by me as 7. P.M. on the 23rd September.

I sent my 1st Special Diary by post to the District Superintendent of Police. The post leaves Nanjangud 9 A.M in the morning. It did not occur to me to send the patel's report as an addendum to my 1st Special Diary.

On the 24th I sent the Jemadar

of

of Kowlande, Sreenivasa Rao by name, to Kanya to make a sketch of the scene of occurrence and to fetch the accused and witnesses.

I did not go myself as I was engaged superintending the melting of certain temple jewels under orders of Government.

The Taluk Inspector was ill and could not be sent. I directed the Kowlandè Jemadar to return at once to Kanya. I don't know when he started. Kanya is 13 miles from Nanjangud Kasba. On the 25th the Jemadar brought the following persons to Nanjangud:-

(1) Deceased's younger sister Siddi.
(2) Gadari Naka.
(3) Siddalingaiua Jogi.
(4) Biligiri.
(5) Moorgaori Siddaliuga.
(6) Mottè Jogis' Son Nana.
(7) Sidda Nanja.

I examined all these,-

The

the jemadar had also brought in these five accused now before the Court. After recording the statements of the persons named above I arrested the said five accused - and on the 26th, I caused a charge sheet and these five accused to be placed before the Sub Divisional Magistrate Nanjangud. On the 7th October I visited the scene of occurrence and examined the patel of Kaya, also one Sidda son of Kouta, This Sidda, one Hucca Sidda, foster daughter of Kouta. I examined as to the motive for the assault on the deceased. I sent those three persons' names in to the Magistrate as supplemental witnesses. I see that the patel is included in the original charge sheet as a witness; it was only the names of

Sidda

Lidda son of Kouta and Liddi ie Hucca-
Liddi that I sent in as supplemental
witnesses, at the time of submitting the
charge sheet the patel had not been examined
I did not ask the Jemadar why the patel
was not also brought in from Kaiya
on the 25th. I do not know why he was
not brought in. I did not take the
patels explanation for not coming in
with the Jemadar. I have not taken
any notice of the patels conduct. I
have only investigated one case before
this. I have been Builder 5-½ years.
X^d. I did not endeavor to secure the
weapons with which Jagi was
assaulted. I thought it useless. I made
no search of any of the accused's houses.

There

There are two factions in Kanya among the Sivachars. One party is headed by the patel. His name is Kalamadia. I do not know that one Ranjia heads the other party. I do not know that accused 2 and 5 are servants of that Ranjiali. I do not know that accused 1-5 belong to the faction opposed to the patel's faction. I made no enquiries as to the faction to which the accused belonged, nor whether the deceased and his brother belong to the patel's faction. They work as chakras. Almost all the holyars are chakras, that is they work as chakras for 2 or 3 days in the year. All chakras are subordinate to the patel. There are more than 50 houses of Holyars in Kanya. Witness now corrects and says there may be

more

more than 50.) The population of Karya is about 7 or 800. Deceased Jagi was a Holyar. His house is surrounded by other Holyar houses. I did not ascertain who were the occupants of those houses. I examined several of those neighbours orally on the 7th October. I cannot mention the names of those persons. I have not mentioned their names in my Special Diary. I examined the patel etc in a tope about a furlong from the town. The town is a very filthy town so I stayed in the tope.

There are some 4 or 5 Mahommedans houses in the street adjoining the street in which deceased's house is situated. I entered the town and saw this. I did not ascertain whether the house of Bammsab

is among those houses. I did not ascertain where the house of Bammsab is situated. The sivachars houses are in another quarter of the town not less than 100 yards from the Holageri - not within hearing of shouts at Liddas house.

On the 25th I examined those witnesses at the temple office near the temple, Ranjangud not in the Taluk cutcherry. I do not remember if the Karya patel came to Ranjangud on the 25th. I had seen him at Ranjangud previous to the 7th October. I cannot remember on what day. I did not then examine him. The thought did not strike me.

Witness Volunteers.

I questioned him orally - When I

said

said I did not examine him I meant that I did not record his statement.

Q. Then the thought did strike you?

A. I did not record his statement.

I examined him orally.

I met the patel once on my way to the Railway Station.

The 25th September was a holiday; so, I did not go to the Taluk cutchery. I observed the holiday by taking special meals but I also did the necessary work in this case and examined the 7 witnesses mentioned above. I did not examine them on the 26th. I examined them from about 1 P.M to about 6 P.M. Deceased Jagi was a widower.

No re examination.

Read over and acknowledged correct.

(Sd) R. B. Plumer,
Sessions Judge.
11.11.1912.

" "

Copy
By Order,
Sheristedar.

lsp.

No 1942 Encl 1.
134

DIARY No. J1574 17

1912-1913
SECTION Cs
FILE NO. 10 139-12
SERIAL No. 3.

Chief Court of Mysore,
Bangalore, Dated 6th December 1912

From

The Registrar of the
Chief Court of Mysore.

To

The Offg: Secretary to the
Government of Mysore,
General and Revenue Departments.

S i r ,

I am directed to forward, for favour of disposal, copy of letter No: 1819/242 dated 25th November 1912 received from the Sessions Judge, Mysore, stating that Mr. N. Srinivasa Rao, amildar, Nanjungude, perjured himself in giving his evidence in a Criminal Case. A copy of the judgment referred to in the Sessions Judge's letter is also forwarded.

I am to add that the Chief Court consider it unnecessary and inexpedient to give any opinion at this stage.

I have the honor to be,
S i r,
Your most obedient servant,

AG: REGISTRAR.

H.C.C.

Encl to C 139-12-3/8

Letter No: 1819/242 dated 25th November 1912 from the Sessions Judge, Mysore Division, Mysore, to the Registrar of the Chief Court of Mysore.

---

Adverting to this office No: 1714/229 dated 18th November 1912 forwarding a copy of the judgment in Mysore Sessions case No: 7 of 1912-13 I have the honor to request the kind attention of the Honourable the Chief Court to paras 14-31 thereof discussing points that throw light on the conduct of Mr. N. Srinivasa Rao, Amildar, Nanjungud Taluq both as a Police Investigating Officer and as a witness for the prosecution before this court.

2. There is ample material on record to show that not merely was the Amildar's investigation disgracefully perfunctory and dilatory but also that this officer has deliberately perjured himself and given evidence which he knew to be false. He also undoubtedly took advantage of the tiffin interval to tutor a patel to give false evidence in support of his own false statements.

3. The prosecution of the patel for perjury will be ordered.

4. Before ordering the prosecution of the Amildar it seemed to me, in view of the offender's official position as a graded officer of the Mysore service, that the orders of Government in the matter should be obtained.

5. I would therefore request that the Honourable the Chief Court may be kindly pleased to place the matter before the Government for such orders as they may deem fit to pass.

6. I would add that the Amildar in his evidence admitted that though he had been Amildar 5½ years he had only investigated one Criminal case prior to the present case.

'Copy' Sd/ R.B.Plumer.
Sessions Judge.

H.C.C.

Ag: Registrar

Cs 19

G. R. S. 26]

Confidential

File No. 139-12

Serial No. 4

*Diary No. of letter replied to*

No. J 1440-1 Eus 12

General and Revenue Secretariat

( )

*, the* *191* .

To

1) The Inspector General of Police in Mysore

2) The District Magistrate, Mysore.

Date of issue 21-12-12

Signed by Mr S. Hariyannaiya

Sir,

I am directed to forward herewith a copy of letter no: 1819/242 dated the 25th November 1912 from the District & Sessions Judge, Mysore division to the Registrar, Chief Court as also a copy of the judgment in Mysore Sessions

over. Case

SUBJECT.

20

Case no: 7 of 1912-13 Commenting on the Evidence given in the Case by the Amildar mr N. Srinivasa Rao of the Nanjangud Taluk, and to request that you will be so good as to favour Govt with your opinion in the matter.

2. The matter should be treated as urgent and an early reply forwarded.

I have etc

23 19/12

Offg Secretary

*List of enclosures,*

*Copied by*

*Examined by*

GPB—25,000—8-8-11.

Bill
Please put up as case
with the
DIARY NO. 1642 2 30/9/13

Confl (Ct)

Bangalore 1912-1913
SECRETARIAT 22 1/2
FILE 134-12
SERIAL 5

Sir I received your letter of yesterday asking my opinion in the matter of the Chief Justice's judgment in Contempt of the evidence of Ranjagowda against the Revenue Secretary in Mysore Session Case No 7 of 1912-13

I did refer to the Privy Council Rule I complained against this accident, you have

Remember, in bringing through the
Enquiries for his work, carrying
this work on.

The Enquiries of a Copy
of Judge from the Court-
during. I asked the Registrar
to obtain two copies, one of
the proceedings, with
a view to preparing an
appeal against ~~the~~
acquittal of ~~the~~

acch in the case of
murder or, on suits,
apart from the conduct
of the accusers or Police
concerned, as soon as
further enquiries into the
conduct of the accusers
the Judge himself having
issued a Rule against
the Police. The copies
&c having been received
thereof asked for urgently

an Hon Secretary has
gone, & in the absence
of the records (some of
the important ones being also in Co) or enquiring
it has not been possible
to form any definite
opinion in the matter.

Yours Truly
Sec: advised to
instruct Staff for the
records. Matter can be
left as I consider it.
Sec. to.

DIARY 1823

1912 913

Courts

139-12

SERIAL No. 6.

22

CONFIDENTIAL

Office of the Deputy Commissioner,
Mysore District.

No. 375

Enc. ~~Nc~~. are file
Sent Separately

Dated, Mysore, 14th January, 1913.

From

K. Chandy, Esquire, B.A.,
Deputy Commissioner, & District Magistrate,
Mysore District.

To

K. R. Srinivasaiengar, Esquire, M.A.,
Offg. Secretary to the Government of His
Highness the Maharaja of Mysore,
Genefal and Revenue Departments.

S i r,

With reference to your letter No. J.1770-1/Cts.139-12-4 of 21st December, 1912, calling for my opinion in regard to the comments made by the Sessions Judge, Mysore, on the ~~Evi~~-dence given by Mr. N. Srinivasa Rao, Amildar of Nanjangud in the Karya Murder case, I have the honour to state that I made further enquiries and also allowed the Amildar an opportunity of seeing the records and submitting his explanation. The entire file of records as per pharist ~~are~~ is submitted herewith.

The facts of the case are briefly:- that on the 21st September, 1912, one Jogi in the Village of Karya was severely belaboured by 5 persons, that on the 22nd while his brother Sidda was taking the wounded person in a cart to Nanjangud the latter expired on the way, that the corpse was however brought

brought to Nanjangud on the 23rd, where the Amildar held the inquest upon it and after examining the witnesses in the case on the 25th, placed a charge sheet before the Sub Division Magistrate of Nanjangud on the 27th, that the Sub Division Magistrate after holding necessary enquiries committed the accused to take their trial before the Sessions Court, and that the Sessions Judge acquitted them on the ground that none of the accused were found guilty by him of the offences charged.

In acquitting the accused, the Sessions Judge makes certain remarks on the investigation of this case which may be summarised as follows:-

(1) That the prosecution completely failed to establish the motive for the assault on Jogi, the deceased.

(2) That even the Patel's report which one would expect to be credit-worthy was not free from suspicion as to its truthfulness.

(3) That there was much room for suspicion as to the time of the receipt of the Patel's report by the Amildar on account of his omission to include it in the First Information Report and in his 1st Special Diary

This Patel's Report was received by the Sub Divisonal Magistrate only on the 27th and by the Superintendent of Police in the Special Diary on 28th.

(4) That the Amildar perjured himself and gave false evidence in respect of the Patel's report and as regards the Patel's coming to Nanjangud on the 25th, and that he also took advantage of the lunch interval to tutor the Patel in order to induce him to commit perjury for corroborating the Amildar.

(5) That the Amildar failed to visit the spot and to

to examine the Patel and that the failure of justice in this case was entirely due to the deplorably imperfect investigation by the Amildar.

A perusal of the evidence given by the Amildar, the Kowlende Jamadar, and the Patel in the Sessions Court will appear to justify the remarks made by the Sessions Judge, and the Amildar's explanation does not appear to me to be satisfactory.

As for the presence of the Patel at Nanjangud from 25th to 27th September, 1912, I have no hesitation to state that he was present at Nanjangud on these dates and that he has clearly perjured himself in denying this fact. A takid was issued by the Inspector to Kowlande Jamadar on the 23rd September 1912, remarking upon the conduct of the Jamadar in not sending the Patel's report though the corpse of the deceased had arrived at Nanjangud and directing that he should immediately bring the Patel and the witnesses to Nanjangud.

Besides, the Kowlande Jamadar who has produced two slips of paper to shew that he produced the Patel along with others on the 25th September, 1912, before the Amildar at Nanjangud; the Constable Writer Ramachandra Rao swears to the fact that the Patel was present at Nanjangud on the 25th.

The Patel's name appears in the Charge Sheet presented before the Nanjangud Division Magistrate on the 27th September, 1912, and his presence in the Court is attested by the entry of his name in the witness Register of the 27th; (an extract therefrom is enclosed in the file).

The Statement of the Patel himself before the committing Magistrate as well as the statement of the ~~knowledge~~ Kowlande Jamadar also leave no room for doubt that the Patel was present at Nanjangud from 25th to 27th September, 1912.

On being called upon by the Sessions Judge to show cause why he should not be prosecuted for perjury, the Patel has said that he could not shew cause and that the Amildar told him that he would be punished if the case was spoiled. It has to be noted that the both the Patel and the Amildar have made an identical statement viz., that they met each other in the Railway Station some days after, and the Patel says that he went there for a walk. From the above it seems that the Amildar gave evidence that he knew or had reason to believe to be false in denying the presence of the Patel on the 25th of September at Nanjangud. There would also seem to be ground for the Sessions Judge's remark as to the Patel being inspired by the Amildar, but as the former is still under trial for perjury he could not be examined by me, and even if he is examined the point has to be decided on probabilities and not upon what he may or may not say.

The next settled fact is that the Patel's report which is alleged to have been received by the Amildar at 7 P.M. on the 23rd September, first sees the light of day only on the 27th with the Charge Sheet. The Amildar's explanation for this delay, and for not examining the Patel earlier is not satisfactory.

The Inspector-General of Police when on tour, appears to have asked the Kowlande Jamadar confidentially as to the real reason for the delay in submitting the Patel's report, and this Jamadar to have told the Inspector-General confidentially as to what actually took place; and the Inspector-General then ordered the District Superintendent of Police to record the Jamadar's statement. This statement or report which I have obtained from the District Superintendent of Police is enclosed in the file. (Pharist No.106.)

Mr D G. says that it was not a "confidential" enquiry.

In this he states that he took the Patel's report on the 23rd September, 1912, to the Amildar at about 4 P.M. while the latter was holding the inquest on the dead body of the deceased Jogi, that the Patel's report contained statements to the effect that the accused not only beat the deceased but took from him a blanket and Rs.30 in cash, that when he fetched the Patel and the parties on the 25th September the Police Inspector gave him to understand that, as no evidence was forthcoming to prove the above statements in the Patel's report a new report should be got prepared omitting the above portions, and that this was got done by the Inspector through the Kasaba Jamadar Guraviah and the new report was dated 23rd September, 1912 at 7 P.M. as if it had been received on that date.

With this theory before me, I examined the Police Officers concerned in the case and allowed the Amildar to cross-examine them. I also requested the Superintendent of Police to examine the complainant Sidda, the Chakra etc., and the statements given by them are also enclosed in the file.

All the statements received were shown to the Amildar and he has furnished his explanation on the points now elicited.

The Amildar and the Inspector and the Kasaba Jamadar totally deny this tampering, but the complainant Sidda and the Chakra both say that in the original complaint to the Patel there was the mention of this theft.

I am doubtful whether weight should be attached to this extra-judicial evidence or action taken on it, but it has to be stated that this information, if true, will explain both the cause of delay in submitting the Patel's report, and the Amildar's confusion in the Sessions Court in referring to the Patel's arrival at Nanjangud on the 25th.

The reason why the Patel's report though received on the 23rd September, 1912 was not included either in the First Information Report or sent along with the 1st Special Diary would then be for getting certain details in the Patel's report omitted; the report might have been kept by till the arrival of the Patel on the 25th September, 1912, and after getting a fresh report from him omitting the theft, the latter might have been sent along with the 2nd Special Diary and the Charge Sheet. Again, the Amildar might have denied the presence of the Patel at Nanjangud on the 25th September, 1912 and tutored the Patel to make statements in direct conflict with his former evidence in the Court of the Committing Magistrate, as he thought that to admit the presence of the Patel on the 25th at Nanjangud would go against him, should it subsequently be discovered that the original report of the Patel had been tampered with. The Patel could not be examined about this also, as admission would incriminate him, as he is actually undergoing trial for perjury.

As regards the investigation of this case by the Amildar, I endorse the view taken by the Sub Divisional Magistrate and quoted below:-

"There can be no question whatever that the break-down of the serious case under reference has been entirly due to want of proper investigation. That no less an officer than the Amildar and Head of Police of the Taluk who investigated the case should have closed the investigation by merely examining, at the Taluk Head Quarters, the witnesses who had been produced before him without visiting the scene of occurrence at all and holding local enquiries (as required by Law) is quite sufficient to shew that he is not aware of even the elementary principles of police work. That it is so in spite

spite of his long service of 5½ years as Amildar is really a matter for regret."

If the Amildar had visited the scene of murder earlier, he would probably have found out the existence of factions in the village, and made an attempt to secure the weapons with which the deceased was wounded, by searching the houses of the accused etc. There can be no doubt that the additional facts thus brought to light would have strengthened the case for the prosecution, and that local enquiries would have clearly revealed the motive for the assault.

In this connection I feel also constrained to remark upon the conduct of the Police Inspector. Though pleading ill at the time, he still appears to have had a share in the investigation. It was he that issued a takid to the Kowlende Jamadar on 23rd September, 1912 to bring the Patel and witnesses at e once along with the former's report. The Amildar having had not much Police experience, must have consulted the Inspector, as his frequent visits to him show, and there can be no doubt that the Inspector knows far more about the investigation of this case than he chooses to divulge; and the Amildar might possibly have acted under the Inspector's influence.

I have not had sufficient time to judge of the general capacity of this Amildar, but I think it is necessary that the marginally noted three records relating to him should also be submitted, in all of which his capacity has been adversely commented on.

I have the honour to be,
S i r,
Your most obedient servant,

District Magistrate,
Mysore District.

H. K. S.

1. Sessions Judge's memo No 2022/604 dt 10.12.12.
2. Chief Court requisition No 1848/1012 dt 3.12.12. (Records submitted to the Hon'ble the Chief Court)
3. Revenue Commrs memo No 593 dt 19.7.12.

NOTES OF DEPARTMENTAL ENQUIRY REGARDING THE CONDUCT OF POLICE OFFICIALS IN KARYA MURDER CASE.

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NANJANGUD
9 A.M.

1. Police Writer Ramachandrah - I hear my statement before the Deputy Commissioner that I wrote the 1st information report on the 24th evening. Copy of it has reached the Deputy Commissioner's Office at 2-30 P.M. on the same day; I can't account for it. It is not my writing, but Writer Krishnappa's.

True I said I receipted, dated and timed the Patel's report. I was shown the original and found the endorsement was by the Amildar himself. As I have been in the habit of endorsing such documents, I told the Deputy Commissioner, what I said, by bad memory.

Q. If you had actually written anything and timed it 7 P.M., then you might possibly mistake some writing for another and say you confounded the two documents; but not having written it at all how could you refer to any exact time - to wit 7 P.M.? How can you explain your having told the Deputy Commissioner that you timed it 7 P.M.?

A. I cannot explain it.

Kowlande Jamedar did not come while the inquest was being held. He came when it was completed. I did not see the Patel's report being tampered with. I did see this Jamedar and Guruviah talking about something. I don't know why Guruviah denies it.

KARYA
1 P.M. to 3 P.M.

2. Sidda - (He does not understand the difference between complaint, deposition, statement etc, but spoken to in the phraseology and way his class of people can understand, he is positive and says clearly) The first time the Amildar examined me and wrote down what I said was, just before starting to the place where the corpse was. He examined me a second time and wrote down what I

said, near the corpse (This statement at the inquest is what he calls ಶವಪರೀಕ್ಷೆ ). He examined me a third time 2 or 3 days afterwards, I don't remember, but it was at the time when all the other witnesses were examined.

I did not tell the Patel that my deceased brother had been robbed of a Cumbly and Rs 30/-. I discovered it afterwards and may have mentioned it to him afterwards, but I did not tell him at the time he wrote the report to the Police.

3. Chakra Sidda - Sidda did tell me of the loss of Cumbly and Rs 30/-. He mentioned it to the Patel also. (But questioned further whether he was present when the complaint was made and whether Sidda mentioned it to the Patel, he says) I went away to the funeral of my father. I was not present when Sidda complained to the Patel. I don't know what he actually told him.

4. Patel Kala Madiah - Whatever Sidda told me and I myself saw of the deceased, I wrote to the Police. That original report of mine is filed in the Sessions Court. That was the only report I made. I never wrote a second report, tampering with the first. It is absolutely untrue that Sidda had mentioned to me that they had lost a Cumbly and 30 Rs. I have kept a diary of all my complaint reports to the Police. I have been keeping the diary for some time in regular course of business. I have entered therein exact copy of my report (He produces and reads the diary which contains reports from June last). If Sidda had mentioned of the loss, I would have reported it and it would have found a place in this copy of my diary.

Chakra Mada delivered my report to the Kowlande Jamedar by about 5 or 6 o'clock in the evening of 22nd September last at Dasanur, going after him from place to place. The Jamedar instead of coming here straight went

away somewhere and lost time, and even the next day he made to Nanjangud sending the Duffedar over here. So to cover his own fault and laches he says he received it early next morning at Kare Mole which is not a fact. There was no rain that day, nor was any halla in floods. Everywhere in these parts, it was perfectly dry.

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5. Chakra Mada alias Rama. - A boy of about 18 years old - small and smart. Patel gave me the report in the morning. I went to Kowlande (about 7 miles). There was neither Jamedar nor Duffedar. Talkad Madiah was there. He told me Jamedar had gone to Chinnamballi (6 miles) and that I should take the report and give it to him there. I went thither. It was about midday then. There they said the Jamedar had just then gone to Hanumanpur (about 5½ miles). I went there and learnt he had gone to Dasanur. Just as I was coming from Chinnamballi to Hanumanpur, I met Talkad Mada and both of us went to Dasanur (about 3 miles from Hanumanpur). When we reached Dasanur it was near evening. There was sunlight still. It became dark after sometime we reached it. I delivered the Patel's report at Dasanur to the Jamedar. I gave it in the presence of 2 or 3 people. The Patel of that place was also there. I did not go to Kare Mole that night. I did not give the report to the Jamedar at Kare Mole. I gave it to him at Dasanur. It may be about 5 or 6 o'clock in the evening. I stayed away at Dasanur that night as I had travelled much. I returned to my village the next morning. There was no rain that day, nor was any halla in flood.

ULLMATTUR
7 P.M. to 8 P.M.

6. Dasanur Patel Madappa - The boy Chakra Mada brought Karya Patel's report about Jogi's hurt and delivered it to Kowlande Jamedar in my village at about 6 o'clock in the evening. There was full sunlight then. The

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Duffedar Krishnasingh was also there. There was also Mugur Madappa and some others. It was an Ekadasi day. The Jamedar would not dine that day, and they were making some preparations for him to eat. Talkad Madiah also came with the Chakra. Talkad Madiah said he had seen the body being taken to Kowlande, near Hosur (a majra of Kowlande about a couple of furlongs away from it) and that it was doubtful whether the patient could even reach Kowlande alive. Jamedar said having come all the way to enquire after a case in Kare Mole (within a mile near Dasanur) he would prefer finishing it and then go. So we all stayed in Dasanur till about 11 o'clock or midnight. After eating Jamedar took us all towards Kare Mole. On our way we met Dod Homma Patel and Dod Homma and Chikka Homma Shanbogs and all of us went to Kare Mole where the Jamedar enquired into the case of Maranka falling into the grain pit at Gatvadi and dying therein. He enquired into the case the whole night. Early next morning a cart was sent for and he drove therein to Kowlande and we returned to our villages. There was no rain that night, anywhere, and no hallas were in floods. Chakra Mada did not give the Karya Patel's report at Kare Mole, but had actually delivered it to the Jamedar at Dasanur in the evening and had stayed away at Dasanur, he having walked the whole day.

7. Mugur Madappa - corroborates Patel Madappa and says exactly the same.

Camp Ummattur,
10th February 1913.

C. S.

UMMATTUR
4 to 5 P.M.

8. Dodda Homma Shanbog Lakshminaraniah - I remember the night I met Kowlande Jamedar, Duffedar, Talkad Madiah and Dasanur Patel on way to Kare Mole. Dodda Homma Patel, Chikka Homma Shanbog, myself and others were returning

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from Kuderu Bank. It was about 10 o'clock at night or somewhat later, a few days before Amavase. It was Ekadasi. We all went to Kare Mole. It was about midnight, then. The Jamedar took us all for a mahazar. He enquired into the case of a man falling and dying in a grain pit at Gatvadi. He told us he had received at Dasanur Karya Patel's report about a maramari (fighting) and hurt and that he should go quickly after finishing the mahazar at Kare Mole. Before the Panchayat was assembled it became still later. We did not sleep that night. After writing the mahazar we kept talking; when it dawned a cart was sent for and Jamedar and Duffedar left in it for Kowlande and we went away to our villages. It did not rain that night. No hallas were in floods. Karya Patel's report was not received by the Jamedar while at Kare Mole. Before we sat for mahazar he had told us of his having received it at Dasanur that evening.

9. Chikka Homma Shanbog Linganniah corroborates Dodda Homma Shanbog and says the same.

10. Dodda Homma Patel Honne Gowda corroborates both Dodda and Chikka Homma Shanbogs in all respects, but says he did not hear about Karya Patel's report. Being so very late he was feeling sleepy and dozed away and was not aware of everything which the Jamedar may have said.

Camp Kowlande,
11th February 1913.

C. S.

KOWLANDE
8 to 10 A.M.

11. Jamedar Srinivasa Rao - (On being explained the whole of evidence given by the 10 preceding persons the Jamedar was asked)

Q. The only point on which I wished to get specific

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explanation from you and for which I had sent for you and asked you pointedly was, you will recollect, how and under what circumstances you got the Karya Patel's report at Kare Mole on the 23rd September last at 2-30 A.M. as you had deposed before the Sessions Court; and you then explained to me with circumstantial detail that you had travelled a great deal that day, that it rained heavily and hallas had been in floods, that the messenger had therefore been detained and could not reach you earlier etc.

A. Yes.

Q. Now I have examined several persons on the spots, including the boy Chakra and they one and all tell me with minutest details as I have now explained to you, that you got the Karya Patel's report about the mara mari (fighting) at Dasanur on the 22nd September evening about 5 or 6 o'clock, even while there was sunlight, and that your own constable Talkad Mada who had accompanied the boy Chakra thither told you that he had met the deceased's cart near Hosur and it was feared he might not survive reaching Kowlande etc, and that nevertheless all of you went to Kare Mole that night etc.

A. Yes. I now say all that is quite true. I did get the Karya Patel's report about mara mari at Dasanur on the evening of 22nd September last between 5 and 6 P.M. Chakra Mada delivered it to me there and Talkad Mada had also come with me. Having to investigate another case so close by at Kare Mole, I thought I could finish it and go. Everything that the witnesses have told you is true. What I told the Sessions ~~XXXXX~~ Court is untrue. Having to support it, I told you of rain etc which was not a fact. (Jamedar prostrates and continues) All that I have hitherto stated to everybody is untrue. What I now say is

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the truth. I got the report at Dasanur on 22nd September evening. When I returned to Kowlande the next morning, I heard the patient had expired and that the corpse had been taken to Nanjangud. I sent Duffedar to Karya and myself went to Nanjangud. On my way thither, near Arsinkere, I met constable Mada who brought me an order from the Inspector pointing out that the Patel's report had not been received and finding fault with delay etc. It was about 2-30 or 3 P.M. then. I reached Nanjangud about 3 o'clock in the afternoon.

When constable Mada gave me the Inspector's order near Arsinkere it was about 2-30 or 3 P.M. I noted down the time as 3 P.M. when I went to Nanjangud I noticed it was 3 by office clock. So I thought I must have received it near Arsinkere about half an hour earlier and changed 3 into 2-30 o'clock accordingly. I altered the whole of the endorsement also then, to be in one ink.

Q. If you say all what you have hitherto said is untrue and what you now say is the truth, let us now know why you ever marked the Patel's report as having been received at Kare Mole, having as a matter of fact received it at Dasanur.

A. I took the report with me to Nanjangud without having noted anything thereon. When I saw Inspector, he questioned me about delay and why I had not gone to the spot etc. I explained to him what had transpired. Then he told me, not going to the spot and delaying the report etc. would be found fault with and advised me to make it appear that I had been elsewhere and far away and that I had received the report late. So I noted down as having received at Kare Mole about 2-30 A.M. on 23rd September 1912. This is not a lie; but actual truth and was advised to do so by the Inspector.

Q. Now how about the story of the original report

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having been tampered with and substituted by another report? As I have told you the Patel has denied it, he has shown his diary in which there is no mention of the loss of Cumbly or 30 Rs and Sidda himself says he never mentioned it to the Patel, and Dasanur and Homma people also say you merely mentioned the said report as concerning a simple mara mari and nothing else.

A. I cannot account for it. It is true the report was substituted.

Q. You have now admitted that one lie has led you on to another and to several untruths. Can similarly the story of the report and your present explanation that the Inspector told you to make a false entry be untrue and you have been merely drawing upon your imagination on the spur of the moment without considering the bearings? What motive has the Inspector to incite you to make such a false entry? It is said that both the Amildar and the Inspector have been constantly trying to pull you up and pointing out your mistakes, and as such why would the Inspector who had already sent you an order finding fault with laches, suggest to you to fabricate a false entry short while afterwards? He says your story about tampering with the Patel's report must be a pure invention of yours to spite them.

A. I owe no grudge to Amildar or Inspector. As a matter of fact they have never found any fault with me at any time before, nor pointed out any of my mistakes. It is only after this departmental enquiry started that they have been picking holes.

Q. There is lot of complaints and records against you ever since you came here. They have been repeatedly reporting you.

A. (No answer).

Q. The Superintendent says you had some papers in the

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Inspector's handwriting which are likely to throw some light on the subject.

A. I have none.

Q. But the Superintendent says you admitted to him you had some. What about some draft of an explanation which the Inspector is said to have attempted?

A. I have not got it here, but may be mixed up in my papers at my house in Nanjangud.

Q. I must get at the bottom of this matter and have to sift it once for all. So you had better go to Nanjangud, pick it up and give me all such slips on the subject.

A. I shall search for my papers here. (The Jamedar went into a room and brought out the rough draft).

Q. How and where did you get this draft?

Jamedar is silent.

Q. Who gave it to you?

A. The writer Ramachandra Rao.

Q. Where, when and why?

A. I can't remember the date, or why. But he gave it to me in the office at Nanjangud, may be some morning or afternoon.

Q. Unless it be that you and the writer together meant some mischief or the other, as complained by the Inspector, why should such pieces of useless rough drafts be with you, or he give it to you?

A. No answer.

Q. Have you any more of such papers?

A. I have absolutely no more such documents.

NANJANGUD to 9 P.M.

12. Constable No. 380 Mada - In the Karya murder case, the day the corpse came here, the Inspector gave me an order to deliver to Kowlande Jamedar. It was about 10 o'clock in the morning then. I went to Kowlande walking. I met the Jamedar near Yere katte, a furlong or two this side of Kowlande which is 10 miles from here. I met him

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about past 1 p'clock. The Jamedar read it and came with me to Nanjangud. I did not give it to him near Arsinkere which is about 4 miles from Nanjangud. We came here about 4 o'clock or evening. He said he had not breakfasted and went to his house. I went home and don't know what transpired afterwards. We did not go to office straight on our arrival here.

13. Constable Talkad Mada No. 451. - The boy Chakra Mada alias Rama came to Kowlande station about 11 p'clock in the morning. I sent him to Jamedar at Chinnamballi. Soon afterwards came Sidda the brother of the deceased and reported that the patient's cart was coming near the halla and he was in his last agony or almost or practically as good as dead and may not reach the station alive. I grew alarmed and hastened to apprize the Jamedar, fearing that the boy Chakra may wander and go late. As I approached Chinnamballi the Chakra was coming towards Hanumantpur whence we went to Dasanur and found both the Jamedar and Duffedar. The Karya Patel's report about mara mari was delivered to the Jamedar there by ~~the~~ Chakra. I also mentioned what Sidda had told me and doubt whether the patient would reach Kowlande alive or not. It was about 5 o'clock or so in the evening. As the Jamedar had some work near Kare Mole he said he would finish that and then attend to this Karya case. We all went to Kare Mole that night. Early next morning Jamedar and Duffedar went to Kowlande and I went to another village to serve some process. There was no rain nor any hallas in floods the previous night. I returned to Kowlande about 1 o'clock after attending to process service. Both the Jamedar and Duffedar were at the station. The Jamedar then started for Nanjangud sending Duffedar to Karya. It was about 2 o'clock in the afternoon then.

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14. Writer Krishnappa - Complainant Sidda was examined by the Amildar about 3 or 3-30 P.M. on the 23rd September last, before starting for the inquest. I myself wrote it. I made a copy of it also. We want 3 copies of all documents. I did not make the 3rd copy. Writer Ramachandra Rao made it. The original of Sidda's 1st statement is in my handwriting. It is on record. It is the one now shown to me in this file. The other copy which I made is also here, attached to the 1st information report submitted to Superintendent of Police. Ramachandra Rao did not take down the complainant's 1st statement; but it was I who did it. Ramachandra Rao was not present then. I gave both the original of Sidda's statement and the copy of it which I made, to Ramachandra Rao, on the evening of 23rd September itself for attending to F. I. R's. I don't know who despatched the F. I. R's.'

15. Amildar Mr. Srinivasa Rao - I examined the complainant Sidda about 3 o'clock on the 23rd September afternoon, having waited till then for Karya Patel's report which we had not received. I examined Sidda and writer Krishnappa wrote it down. It is on the file now. Writer Ramachandra Rao must have despatched the F.I.R's as he generally attends to them. I distinctly remember he came to me very early morning on the 24th September and took my signature to papers, saying it was getting late for mail. He must have sent the F.I.R. to S. P's office by muddam. I can't say how or by whom he sent it.

16. Inspector Krishniengar - I see the rough draft of my explanation now shown to me. I can't say how Kowlande Jamedar chanced to get at it. I may have left it on my table and somebody may have pilfered it thence.'

Writer Ramachandra Rao examined again - I see the draft explanation in the Inspector's handwriting. I did

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not give it to Kowlande Jamedar. He may have found it himself. That is his nature, always mischief making. I had noted down on two other slips names of witnesses and accused which the Amildar had wanted for writing out charge sheet (Form A). Those slips also the Jamedar had somehow got at and has produced them. I can't account for his statements. I recollect having written the F.I.R's on 24th September evening (after being confronted with Sidda's 1st statement in Krishnappa's handwriting, Ramachandra Rao begins to hesitate). Likely I may be mistaken

Camp Nanjangud,
12th February 1915.

C. S.

MYSORE
9 P.M.

17. Duffedar Krishnasingh - I remember Karya murder case. The Patel's report reached us at about 6 P.M. on 22nd September evening at Dasanur. Chakra Rama and Talkad Madiah brought it. It stated that there was a mara mari. I read it out in the presence of the Dasanur Patel, Mugur Madappa and others. There was no reference in it to murder or loss of any property. There was no mention in it of loss of Cumbly or any rupees. Being so near Kare Mole, the Jamedar said he would finish an enquiry which he had to conduct there concerning a death in a grain pit and then attend to this. That was Ekadasi day. After palaharam at night we all went to Kare Mole, may be about 10 or 11 o'clock at night. On receipt of the report, I told the Jamedar that he should go to Karya. He replied that such kind of people always fought, there was no hurry about it and that he would go there after finishing the work at Kare Mole, where he said he would note it as having been received. We reached Kare Mole about midnight. There he noted on the report as having received it at Kare Mole at 2-30 A.M. on 23rd September 1912. He made this note in my presence. We made enquiries into the grain pit case that night. There were also Dodda and

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Chikka Homma Shanbogs and Dodda Homma Patel. Chakra Rama stayed away at Dasanur. Dasanur Patel, Mugur Madappa and Talkad Mada had also accompanied us. When the report was brought to us at Dasanur, Talkad Mada said he had seen the cart bringing the patient near the halla at Homma and that he had heard he was not likely to even reach Kowlande alive. There was no rain that night nor any hallas in flood that night. Jamedar and I returned to Kowlande about 11o'clock on the morning of 23rd September. Talkad Mada who had been sent to serve some process returned about Noon or a little later. Jamedar went to Nanjangud about 1 or 1-30 P.M., as we heard at Kowlande that the patient had expired and the corpse had gone on to Nanjangud. I went to Karya as instructed by Jamedar to keep watch on the accused.

Camp Mysore,
13th February 1913.

C. S.

Cps 1

Office of the 42
Inspector General of Police in Mysore
Dated Bangalore, 20th February 1913

# Memorandum

Re conduct of Mr. N. Srinivasa Rao, Amildar of Nanjangud Taluk in connection with Karya Murder Case.

---

The learned Sessions Judge, Mr. R. B. Plumer, who tried the case, brings to notice that the (i) investigation of the said case by the Amildar, as Head of Police, was disgracefully perfunctory and dilatory; (ii) that he deliberately perjured himself by giving evidence which he knew to be false; (iii) that he tutored the Patel to give false evidence in support of his own false statements.

2. As regards the first of these observations there can be, and are, no two opinions. The Amildar has displayed, throughout, grossest ignorance of even the elementary rules and principles of Police investigation: and the whole of the records from start to finish bristle with glaring irregularities which only betray his utter incompetency.

3. The second charge of perjury would seem to have been based upon inferences drawn from the evidence on record regarding three different facts which require further elucidation: and they are

(a) Date and hour of the submission of the First Information Report to the Magistrate and copy thereof to the District Superintendent of Police;

(b) Date and hour of receipt of the Karya Patel's report dated 22nd September 1912 and the mode of its disposal;

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unfamiliarity with technical or legal phraseologies or want of apprehension, or confusion on the part of witnesses in the Court or otherwise, is obvious, as can be gathered from Sidda's statement before me on the 10th instant. (Vide my Note of Departmental Enquiry, appended)

5. As regards (b), or receipt of the Patel's report, the Amildar states that the Jamedar of Kowlande gave it to him on the 23rd September 1912 at 7 P.M., after he had signed the First Information Report and after he had held the inquest, and that therefore he did not include it as addendum either in the First Information Report submitted to the Magistrate or in the 1st part of the Special Diary. The Jamedar had said that he gave the Patel's report to the Amildar when he had just commenced the inquest or at about 3-30 P.M. and not at about 7 P.M. This evidence of the Jamedar naturally emphasized the suspicions already roused in the mind of the Judge, and coupled with what, undoubtedly, appeared to be unsatisfactory replies, led him to feel convinced that the Amildar deliberately perjured himself. These officers being the only two witnesses who deposed to the point, the balance of suspicion turned against the latter, though further probing of facts and weighing the probabilities of the case may have led to different result.

Inspector's Order No. 514 dated the 23rd September 1912 to the Jamedar (page 128 of the accompanying file) clearly showed that the Taluk officers were anxiously awaiting the Patel's report. Yet when the long awaited for report was put into the hands of the Amildar by the Jamedar at 3-30 P.M. on the 23rd idem, while the inquest was not yet complete, the former, it is said, did not even deign to look at it! Why? Unless a reasonable motive is shown for this unnatural behaviour on the part of the

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Amildar, the Jamedar's statement cannot be believed. It cannot be conceived what possible motive the Amildar could have had at this very earliest stage of the case to posttime the Patel's report. On the other hand, the Jamedar had the best of motives to say something or the other to cover his own laṭches. The Inspector's Order No. 514 sounding a clear warning about the probable consequences to him of his having delayed the submission of the Patel's report, had reached him about 3-30 P.M. as noted by himself in pencil at the foot of the Order, and subsequently altered by him into half past two, recently. The Patel's report had also reached him between 5 and 6 P.M. on the 22nd September itself at Dasanur, and not the next morning at 2-30 A.M. as alleged at Kare Mole. But he had taken his own time to set about working and when he reached Kowlande the next day, he found that the injured person had died and that the corpse had already been carried to Nanjangud. En route thither, he got the Inspector's said Order finding fault with him, which heavily weighing upon his guilty mind eventually led to all subsequent subterfuges on his part, as substantiated by the overwhelming evidence on record. It is thus plain that the time of delivering the report to the Amildar was nearer 7 P.M. than 3 P.M. The Jamedar's statement being thus discredited and in fact admitted by himself to be false, there is absolutely nothing to show that the Amildar's statement about the time of receipt of the Patel's report is false. An intelligent and experienced Police Officer would have known the importance of the Patel's report as a piece of evidence and included it as an addendum to the F. I. R or to 1st Special Diary, but this Amildar has quite candidly admitted to the Court that it did not strike him. His ignorance, great as it is, should not, however, be construed as criminality.

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His explanation is that in the 1st Special Diary he thought he should confine himself to what actually transpired at the inquest and nothing more, and that the Patel's report having reached him after the inquest it could not go in a report of inquest proceedings which was practically what the 1st Special Diary was.

6. Coming to (c), the date of the examination of the Patel, the Amildar states that he examined him along with two others and sent their names as supplemental witnesses to the Magistrate's Court. He however admits but could not say how it was (which only further argues his unfamiliarity with the preparation of Charge Sheets, which was practically left to the Writer) that the Patel's name had been inserted in the original Charge Sheet. There is no record to show that the Patel's statement had been recorded prior to the 7th October 1912. The Amildar's evidence on this point, unless fully examined in the light of his explanations and all surrounding circumstantial evidence, is liable to create a doubt or strengthen the suspicion that he was speaking an untruth. From his own deposition in Court, taken and read as a whole, it is patent how much the Amildar was confused; he was not sure when he saw the Patel: and by the term "examination", he really meant actually recording the statements of witnesses who were subjected to examination, and not their oral examination. This explanation, though it looks queer, is only on a par with what can be expected of an officer of his understanding. The Patel's statement had not been reduced into writing prior to the 7th October 1912, and there is no mention of it made in any of the anterior special diaries. If the Patel's statement had actually been recorded before that date, there was no motive for the Amildar to have supressed the fact.

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It is in practice to enter in the Charge Sheet the names of persons, as witnesses, who have not been examined by the Police themselves, when they are either formal witnesses or are not available for examination at the investigation; and the Constable Writer who knew the practice better and was the mentor of the Amildar, had all his own way, which the Amildar of course did not know and could not therefore explain to the Court. On a close perusal of all records and consideration of facts disclosed, much as the Amildar has remarkably exhibited his unfitness to be the Head of a Taluk, there does not seem to be any ground, even on the evidence recorded in Court, to warrant, and much less to establish, that he deliberately gave false evidence knowing it to be false.

7. Now as to the last charge, viz., that the Amildar tutored the Patel to give false evidence in support of his own false statements, the opinion seems to have emanated from the fact that the Patel was examined immediately after the tiffin interval, and that then he made statements contradictory to what he had stated before the Sub Divisional Magistrate, and that nobody except the Amildar was interested in tutoring him like that. There is no direct evidence to prove that the Amildar tutored the Patel. The Patel has not said so; nor is it clear from the judgment which of the Patel's statements was false. The Patel has given his own explanations in his cross-examination, and as his matter is sub judice I advisedly refrain from referring to it.

8. In conclusion, the whole of the learned Judge's suspicions, originated with and centred on the time of the receipt of the Patel's report of 22nd September 1912, having now been cleared by elaborate and detailed

68

enquiries, which have revealed and fixed the blame on to the real perpetrators of all this trouble (the Jamedar and the Writer Constable who are being separately dealt with), I consider that the charge of perjury against the Amildar is not sustainable

Sd Kantharaja

Inspector General of Police

in Mysore.

48A

CONFIDENTIAL

Bangalore, 20th January 1913.

With reference to your enquiry regarding the conduct of Nanjangud Amildar animadverted by the Sessions Judge in Karya murder case, Mr. Chandy, whom I had asked to submit a report with either the copies of or the original records in the Court of Sessions, now sends me a copy of his report to Government direct, from which it is seen that the references are all submitted therewith.

As the question of appeal against acquittal of the accused persons, on the merits, will have early to be decided, as well as other points, may I request you to kindly send me the entire records for reference ?

In the last para on page 4 of Mr. Chandy's letter, reference to a confidential enquiry is slightly inaccurate, as it was not a confidential enquiry.

Yours sincerely,

C. Srikantaiya Esq

G. R. S. 26]

21.1.13

Confdl

486

Cl

File No. 139-12

Serial No.

*Diary No. of letter replied to*

No. J 2074 Encls Records

General and Revenue Secretariat

( )

, *the* 191 .

To

Date of issue 21-1-13

Signed by Sri Rajagopalachari

Dear Sir,

With reference to your D.O. letter of the 20th instant, I am desired to forward herewith the entire records (with a Pleader) connected with the enquiry into the conduct of Mr. V. Srinivasa Rao, Bailiff of the Vanjaipuram in the Kenya Murder Case, received from the Dy. Coms. Tirupur District & to request that the same may be kindly returned at a very early date with your opinion in the

*over.*

SUBJECT.

45

~~Matter~~ Letter called for in this office letter

No: 41947 / dated the 11th January

1913.

I have sincerely

SM

Asst Secy

C. Srikantaswamy Aiyar Esq BA BL

I.G. of Police in Mysore

*List of enclosures.*

*Copied by*

*Examined by*

GPB—25,000—8-8-11.

Bill 23 3/2/13

Office of the Inspector General of Police
in Mysore.

Confidential
Bangalore 2 Feb 1913.

Dear Srinivasayya,

Kanya Sunda Case. I have had the Pros: Pros: attached Opinion to hand for about [illegible] r. 417 a. or: cut

As regards [illegible]

Sick leave Report.

K. Ranganada Avildar

I find some further
information in Lutkey
& shall send it on a
Separate sheet. In
the course of a few
days.

Yours sincerely

Ch Kay Ogden

G. R. S. 26]

18/2/13

484

File No.

Serial No.

Draft D.O

*Diary No. of letter replied to*

No. J2363

General and Revenue Secretariat

( )

, *the* 191 .

~~To~~

Dear Sir,

Date of issue 19-2-13

I am desired to invite

Signed by Rm S.P. Rajagopala-char

your attention to your D.O.

of the 2nd February 1913 re the

Conduct of the Amildar of the

Nanjangud Taluk in the trial

of the Kanya murder case

and to request that you will

be so good as to expedite your

report which you promised to

send in a few days.

Yours sincerely

S/ over.

Asst Secy

18/2/13

SUBJECT.

C. Srikanteswara Iyer Esqr B.A.B.L.

I.G. of Police

C.C. 18/2/13

J 2328 - 49
Cts file No 139-12
S No 7

CONFIDENTIAL

No. C.43

OFFICE OF THE INSPECTOR-GENERAL OF POLICE IN MYSORE.

*Dated Bangalore,* 20th February *191* 2.

FROM

C. Srikantesvara Aiyar, Esqr., B.A. B.L.,
*Inspector-General of Police in Mysore.*

To

K. R. Srinivasiengar, Esqr., M.A.,
Offg. *Secretary to the Government of H. H. the Maharaja of Mysore,*
*General and Revenue Departments.*

SIR,

With reference to your letter No. J.1770-1/Cts.139-12-4 dated 21st December 1912, calling for my opinion in re the alleged perjury said to have been committed by Mr. N. Srinivasa Rao, Amildar of Nanjangud Taluk, in Mysore Sessions Case No. 7 of 1912-13, I have the honour to forward herewith a Memorandum embodying my views on the subject. The Note of enquiry conducted at various places in the presence of all concerned and the Superintendent of Police, Mr. C. Devaraj Urs, who was with me throughout except on the last day at Mysore, appended thereto, speaks for itself and discloses a most appalling state of affairs.

2. The records received with your office D.O. letter No. J.2074/Cts.139-12 dated 21st January 1913, are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

Srikantesvara Aiyar

Inspector General of Police.

E/25

CONFIDENTIAL

19— 19

FROM

*The Inspector-General of Police*
*in Mysore.*

To

*The Secretary to the Govt. of*
*H. H. the Maharaja of Mysore,*
*Gen. & Rev. Depts.*

Dated 20th February 1913

Despatched

Received

General No. C. 43

Enclosure No. Two and one file.

Furnishing opinion regarding the alleged perjury committed by Mr. N.Srinivasa Rao, Amildar of Nanjangud Taluk, in Mysore Sessions Case No. 7 of 1912-13.

GPB—300—15-2-11

26/2/13

50

G.R.S. 26]

File No. 138/12

Serial No. 8

Diary No. of letter replied to

No. J 2525

General and Revenue Secretariat

( )

, the 19 .

To

The Dt Sessions Judge,
Mysore Division

Date of issue 26-2-13

Signed by Mr S.P. Rajagopalachar

Sir,

I am directed to request that you will be so good as to forward by return of post the entire records in the Mysore Sessions Case no 4 of 1912-13 (Kanya murder case) on the file of your Court. The records are wanted by Govt for reference in connection with the ~~reference made~~ communication regarding ~~in~~ in regard to ~~x~~ the conduct of the Munsiff of the Varyampad Taluk and ~~will be returned when done with~~ SUBJECT.

By order over.

I have &c

Records will be returned whenever they are required

for Chief Secretary

25/2/13

25/2/13

26/2/13

26/2/13

DIARY No. J 2389 / 13 Ch

19 -19
SECTION Cmls
FILE No. 139-12
SERIAL No. 9

1912-13. 57

From R. B. Plumer Esquire,
Sessions Judge, Mysore Dr.

To K. R. Srinivasiengar, Esq., M. A.,
Offg. Secretary to the Government
of H. H. the Maharaja of Mysore,
General and Revenue Department
Bangalore.

Dated 27th February 1913.
Despatched
Received

General No. 3002
No. 627
Enclosure No.

Records in Mysore Sessions Case No: 7 of 1912-13
(Kanya Murder Case).

Sir,

Adverting to your letter No. J. 2525/Cts 139-12-8 dated 26th February 1913, I have the honour to state that the marginally noted records called for by you have been sent to the City Magistrate Mysore for reference.

The Magistrate has this day been requested to submit the same to you direct without delay.

I have the honour to be,

Sir,

Your most obedient servant,

R. B. Plumer

Sessions Judge.

GPB—1,50,000—20-6-11

DIARY No. 2377
19 -10
SECTION Cmds
FILE No. 139-12
SERIAL No. 10

C. C. no. 11 of 1912-13 on the file of the Sub-Division Magistrate, Ramanagaram

Sessions case no. 7 of 1912-13 on the file of the District and Sessions Judge, Mysore

Cr. misc case no. 16 of 1912-13 on the file of the above court -



111
28/2

1912-13.

From V. Venkat Rangam Esqre
B.A.B.L
City Magistrate
Mysore

To K. R. Srinivasa Iyengar,
Esquire M.A
Offg Secretary to the Govt of
H.H. the Maharaja of
Mysore, General and
Revenue depts
Bangalore

Dated 27.2.1913

Despatched 27.2.1913

Received

General No. 2961

No.

Enclosure No. 3.

Sir,

With reference to Mysore Division District and Sessions Judge's memo no. 2977/616 dated 27th February 1913 requesting the submission of records in Mysore Sessions case no. 7 of 1912-13 (Karya murder case) on the file of this court direct to Government, I have the honor to submit herewith the marginally noted complete record received with District and Sessions

Judges Yadi no. 36 dated 29th January 1913 -

The records were obtained from the District and Sessions Judge for reference in connection with criminal case no. 218 of 1912-13 which stand adjourned to 8th March 1913 and they may be obligingly caused to be returned before that date if possible -

I have the honor to be
Sir
Your most obedt servant

S Hayavadanarao
City Magistrate
Mysore -

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Court

G. R. S. 26]

File No. 139-12

Serial No. 11.

*Diary No. of letter replied to*

No. J 2647 Encls recon

General and Revenue Secretariat

( )

, *the* 191 .

To

The City Magistrate,

Mysore.

Date of issue 8-3-13

Signed by Sir S. P. Rajagopalachar

Has the honor to return the entire records in Mysore Sessions Case No. 7 of 1912-13 (The Kanya murder case) received with his letter No: 295 dated the 27th February 1913.

By order

SD

Asst Secy

J 2648

Copy with Dist & Sess: Judge, Mysore for information with reference to his No 3002 dated 27-2-13. over.

627

SUBJECT.

By order

Sd

Asst Secy

SD

8/3/13

Secy

*List of enclosures,*

*Copied by*

*Examined by*

GPB—25,000—8-8-11.

Enquiry regarding the arrest of the Kanya Perumal case

G. R. S. 26]

Compounded

Diary No. of letter replied to J 1/355

Urgent

65 File No. 139 of 1912

Serial No. 12

No. J 332 Dt. 31.7.13

General and Revenue Secretariat

( )

, the 191 .

To

The District Magistrate.

Mysore

Date of issue 31.7.13

Signed by for Sp Rajagopalachar

Sir,

I have to refer to your office letter No. 375 Dt. the 14th Jan. 1913, furnishing your opinion in regard to the comments made by the Sessions Judge of Mysore on the evidence given by Mr. N. Srinivasa Rao, the then Amildar in the Kanya Murder case, of Nanjangud & I am directed to enquire how the trial for perjury that the Patel was then under-

P.T.O. over.

SUBJECT.

copied 31/7.

- gaiety has ended. A copy of the judgment in the perjury case, if one has already been delivered, may also be sent as early as possible.

I have to

Sir

Your
obt
servt

For Secy to Govt

25/7/11

*List of enclosures,*

*Copied by*

*Examined by*

GPB—25,000—8-8-11.

1913

From The District Magistrate
Mysore District.

To The Secretary to the Government
of Mysore
Revenue Dept.
Bangalore

Dated 23rd July 1913.

Despatched

Received

General No. 161
No.

Enclosure No. 1

Submits copy of judgment of
the City Magistrate Mysore, convict
Kalmadia, Patel of Karya in the
Ranjangud Taluk, of forging

57

No 161
1

Office of the District Magistrate

Mysore District

Dated, Mysore, 23rd August 1913.

From

J 671

A.Subramanya Iyer, Esquire, B.A.,

13-14

District Magistrate,

Mysore District.

139/1912-13

To

13

K.R.Srinivasiengar, Esquire, M.A.,

Secretary to the Government of Mysore,

General and Revenue Departments.

Sir,

In reference to your letter No.J 332-Cts 139-12-12 dated 31st July 13, I have the honor to state that Patel Kala;Madia of Karya in the Nanjangud Taluk was convicted by the City Magistrate of Mysore of perjury an offence under section 193 I.P.C. and sentenced to undergo ---- rigorous imprisonment for 3 months on the 20th instant as may be seen from an endorsed copy of judgment.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate

Mysore District.

139-12-13

In the Court of the City Magistrate of Mysore -

C.C. no. 218 of 1912-13.

Complainant. Accused

Government -Vs- Kalamma

Witnesses examined for the Prosecution

1. M. Lakshmi narasimiah
2. Nagappashetti
3. G.S. Appramiengar
4. Police Inspector Sreenivasa Rao -

List of documents admitted in evidence for the Prosecution -

| Distinguishing mark & number | Description of document | By whom produced | Date of admission | Remarks |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| P1 | Sanction for prosecution by the Sessions Judge under section 193 I.P.C. | By the Sessions Court | 17.2.13 | |
| P2 | Statement of accused made before the Sessions ~~Court~~ Judge | do | 17.2.13 | |
| P3 | Statement of accused made before the Committing Magistrate | do | 17.2.13 | |
| P4 | Notice issued to the accused calling upon him to shew cause why he should not be prosecuted for perjury - | do | 17.2.13 | |

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Witnesses examined for the defence -

1. Chanchia
2. Ramnivas

List of documents admitted in evidence for the defence.

| Number corresponding with the number on record | Description of document | By whom filed | Date of admission | Remarks |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 4 |
| D1 | Deposition of Ramnivas a Rao Police Jamadar before the Sessions Judge (saying that I did not take meals at Kanya but others took (meals) - | By the Sessions Court | 29.7.18 | |
| D2 | Do Do (saying I may have stated in the Sessions Court that I went to the cutchery before I went to the Amildar a second time & saw the Acd in that case the Patel & witnesses (in that case) were; many days have elapsed I cannot remember well correct of | Do | Do | |
| D3 | Jamadar Ramnivas Rao's deposition before the Sessions Judge to the effect that the Patel and all the witnesses were arranged from 30. Mon the 25th till the charge sheet was placed on the 27th | Do | Do | |
| D4 | Station House-Diary of the 29th | Do | Do | |

Accused stated as follows; -

I did not commit any offence - I did not depose falsely. I deposed knowing it to be true I did not depose intentionally believing that what I deposed was false - I have witnesses - I did not depose anything falsely - I deposed upon what Amildar stated to me - I shall produce.

witness list - The prosecution witness must be
examined again I shall produce a list of wit-
-nesses to be examined again -

The accused was charged in this Court as
follows :-

That you the said accused Kala mudia
on or about the 11th day of November 1912 at
Mayore gave false evidence during a stage of
judicial proceedings viz: made two contra-
-dictory statements one on 8.10.12 before the
Conciliating Magistrate of Nanjanged contained
in Ex: P3 and another before the Sessions Judge
on 11.11.12 contained in Ex. P2 to the effect that
you went to Nanjanged at 3 P.M. on Wednesday
and that the Amildar did not attend Office and
that your statements were not recorded by him
and that on Thursday the Amildar never did your
statement and in contradiction to all this also
deposed before the Sessions Court to the effect that
you took the Jemadar's permission and returned
to your Village leaving the Jemadar to take the
1st accused and the witnesses to Nanjanged and
that you went to Nanjanged 4 or 5 days after-
-wards to buy some things and that you met the
Amildar near the Railway station who questioned
you orally about the case - and that he made no re-
-cord of your statements and that he recorded your
statement on the 7th October and that then your state-
-ment had not been recorded by any one knowing
that one of these two contradictory statements must
necessarily be false (the extracts appearing in-
-dence of the 2 statements Ex. P2 and Ex. P3 were read
over at this stage & explained sentence by sentence
to accused) and thereby committed an offence

In the Court of the City Magistrate, Mysore

Dated :- 20th August 1913 :-

Present :- C. Venkat Rangaiya, Esquire, B.A.B.L.
City Magistrate.

C.C. no. 218 of 1912-13 -

| Complainant | Accused |
|---|---|
| Govt. of Mysore ~~vs~~ | Kaca Madaiah |

Judgment

The District and Sessions Judge of the Mysore Division sanctioned the prosecution of the accused Kaca Madaiah for perjury under section 193 of the I.P.C. on the 8th January 1913 (vide Ex: P, the sanction to prosecute) and a complaint was laid before this Court under section 476 of the Code of Criminal Procedure on 11.1.1913 -

P.W. 1 M. Lakshmi Narasimha Headmaster of the Sessions Court has deposed that he laid the complaint petition before this Court on 11.1.913, under the orders of the Mysore Sessions Judge and that he was present in the Sessions Court when the sanction order was pronounced in Court -

The facts of the case as set forth by the Prosecution evidence which is also not contested side by side are :- The accused Kaca Madaiah was examined in what is known as the Kavia murder case in the Court of the Addl. Magistrate i.e. the Court of the Assistant Comm. and Sub Division Magistrate of Nanjangud on 8th October 1912 as Prosecution witness 2

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in the said case (i.e. C.C. no. 11 of 12-13 on the file of the said Magistrate of Ranjangud; the accd was then examined on solemn affirmation and he deposed before that Court as follows:

"I took him as far as Jagadur where the Jemadar overtook me and took charge of the first accused (on Wednesday at 3 P.M. I went to Ranjangud with the witnesses - As it was a holiday, the Amildar did not attend Office and no one statements were not recorded by him - On Thursday, the Amildar recorded our statements and directed us to go and attend the Assistant Commissioner's Court on the next day" and the said statement in original Ex. P3 recorded by the said Magistrate of Ranjangud and certified by the Magistrate ~~Magistrate~~ to have been read over in Canarese and admitted Correct has also been filed in this case; and the Court Clerk of the Ranjangud Magistrate P.W. 3 has also spoken to the above facts and has stated that Ex. P3 was explained by him to accd - ; so that Ex. P3 has been previously proved; the said Kanya murder case went up to the Court of Sessions and accused was examined in the Mysore Sessions Court on Solemn Affirmation before the Sessions Judge as third prosecution witness in the said case (i.e Mysore Sessions case no. 7 of 12-13 on the 11th December 1912 and accused deposed before the Sessions Judge as follows: - "I

knew him and went on with him and the witnesses towards Ranjangud; at Jagadur 3 miles from my village, the Jemadar overtook us in whose

back as I suffer from stomach headache and got
attack there, I took the jemadar's permission &
returned to my village, leaving the jemadar to
take the first accused and the witnesses to Ranjangud
some nine miles further on beyond Degaon."-
Accused also stated before the Sessions Judge
4. After leaving the jemadar at Degaon, I went
back to Kanya - Some four or five days after
-ward I went into Ranjangud to buy some things -
near the Ry. station, I met the Amildar who
questioned me orally about the case - He made
no record of my statements ----------. On the
7th October the Amildar came to my village
and then he recorded my statement - Did then
my statement had not been recorded by any
one" It will be seen at once that these state
-ments are in direct contravention to what
accused stated before the committing magistrate
on 8.10.1912; and the said statements of
accused made before the Sessions Judge on
Solemn affirmation on the 11th November 12
and certified by the Sessions Judge to have
been read over and admitted correct are
for the contrary in original in this case; vide Ex. P2
the deposition of accused in the Sessions Court
containing the said statements; P.W.2
the Head Clerk of the mysore Sessions Court
speaks to the above facts and also to the fact
that he read over & translated the whole of
Ex. P2 to the accused; and also the whole of
Ex. P3; so that Ex. P2 is also satisfactorily
proved - Now for making these contradictory
statements that accused now stand charged un-
-der section 193 I.P.C — The accused did not

even attempt to explain to the Sessions Judge what the truth was; and that he intentionally gave false evidence is proved by Ex: $P_2$ itself; for there in he has stated in answer to a question from the Sessions Judge whether he made the statement Ex: $P_3$ or not "I said that the witnesses returned and told me that it was a holiday, their statements had not been recorded"; he then admitted having made the statement Ex $P_3$ and also deposed "I said to that (Ex: $P_3$) and I also said that I got a stomach ache I did not go on with the witnesses to Ranjangud" but it will be seen that this statement of the stomach ache is in direct conflict with an earlier statement deposed to in Ex. $P_2$ itself viz. "In the Court of the Committing Magistrate I was not asked anything about my stomach ache so I did not mention it;" so that the deposition Ex $P_2$ speaks for itself and conclusively proves that the accused perjured himself wilfully and intentionally; again there is the witness P.W.4 Sunniruddra Rao who was the Police Jemadar of Kawlande at the time and he deposes that he brought the accused Patel to Ranjangud along with the witnesses and the accused in the murder case at 2 P.M. on the 25th September 1912 i.e. Wednesday and that the accused Patel was present in Ranjangud from the 25th till the 27th Sept. 1912; Again the two sets of contradictory statements are irreconcilable from every point of view; the going or not going to Ranjangud the recording or not recording of each statement

are

are hard facts and not matters of opinion or inference on which one opinion can be held at one time and another opinion at another time; thus the witness surely knew full well he deviated from all truth when he made these irreconcilable statements; want of memory is not pleaded but what the accused states is that he did not utter any falsehood that he did not believe that he was stating any falsehood but that he deposed because he was instructed by the Amildar but how can he depose contradicting hard actual facts which could not escape any one's memory and seek refuge in the plea that the Amildar instructed him to do this or to do that; and it is urged by the defence counsel that the contradictory statements are not material and that the accused deposed under the influence of the Amildar; it must be borne in mind that the statements of accd. were regarding the corpse discovered of the police investigation in the Kanya murder case and as such any light thrown upon the real nature of the police Investigation would have helped the Court in arriving at a correct determination of the guilt or innocence of the parties concerned in the original case; the Patel as the village Police Officer ought to have known as much; so that the statements cannot be said to be on immaterial points of the original case - Again materiality is but a test of intention and irrespective of

materially intention and wilfulness have been made abundantly clear by the Prosecution Evidence; and the offence is thus completely proved against the accused; and what is more curious is; the intention requisite for deliberate perjury is proved by the defence testimony as well - for the two defence witnesses have in effect stated that the Amildar after his examination in the Sessions Court came out; that the Court had risen - evidently for Lunch - that the Amildar stood near his carriage and called for the accused Patel and conversed with him for nearly three fourths of an hour or one hour and that the witness finally heard the injunctions laid upon the accused by the Amildar at the time the accused was called in the Sessions Court while the Amildar got into his carriage to the effect that and should tell the Court just like that and that he should not forget what he (the Amldr) said and that he should state with remembrance and that he should not omit anything; that the accused then entered the Sessions Court for his examination

What does such defence evidence as this prove; it proves only that the Amildar for his own purposes tutored and instructed the accused and the accused knowingly departed from the truth and intentionally gave false evi-

fully knowing that what he stated was false; in a word committed deliberate perjury; the accused Patel, a responsible Village Police Officer, thus cast off the bonds the solemn duty laid upon him to speak the truth before a legal tribunal and thought it actually better and better to yield to the influence of the Amildar and to depose as the Amildar bade him do; that the accused thus committed the crime deliberately and knowingly by Court as per the instructions of the then Amildar of Ranjangud in no valid excuse and cannot act as any sort of palliative; and the accused had no right whatever to trifle with the administration of public justice; in these circumstances I have no hesitation in holding the Patel guilty of barefaced and deliberate perjury under section 193 I.P.C and sentence him to undergo rigorous imprisonment for three months — The delay in the disposal of this case is due to the fact that the Sessions Court Record containing depositions in this case had been sent to the High Court and to the Government and adjournments had also to be granted at the request of the accused and his Lawyer —

This judgment in this case has been framed this day and accused had been bound over to appear this day to hear judgment delivered but before pronouncing this judgment in open court, it is ascertained that the accused

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absent and only accused's Counsel is present and he has got no instructions why accused failed to appear this day. Hence a non-bailable warrant of arrest will be issued for the immediate arrest and production of the accused before this Court — On the appearance of the accused this judgment will be pronounced and/or read out to him in open court —

(Sd.) S. Venkat Rangam
City Magistrate
19.8.1913.

Accused is present in court this day and the above judgment is pronounced in court this day in the presence of accused; the warrant of arrest may be recalled and the accused sent to jail to suffer the rigorous imprisonment of 3 months —

In open court —
(Sd.) S. Venkat Rangam
City Magistrate
20.8.1913

~~2~~ 84
22-8-13 Memo —

Copy of the above is enclosed to the District Magistrate, Tanjore —

S. Venkat Rangam
City Magistrate
Tanjore.

Compd.
MT

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Reverting Mr N. Srinivasa Rao, Amildar from third to fourth Class of Amildars

G.R.S. 28]

39/1 691 ab

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.
( )

, the N 191

Date of issue 2nd Feb 13

Signed by KR Sreenivasaraya
Dy

File No. 139 of 1912
Serial No. 14

*Proceedings of the Government of His Highness the Maharaja of Mysore*

READ— Letter no. 1865/372 dt 14th 28th Nov 1912 from the Sessions Judge, Mysore Division submitting for information and disposal a copy of a letter addressed by him to the Chief Court requesting that the conduct of Mr N. Srinivasa Rao, Amildar of the Nanjangud taluk in connection with Mysore Sessions Case No 79 of 1912-13, known as the Kanya murder case, be brought to the

ORDER THEREON— No

Mr over.

SUBJECT.

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notice of Govt. _____

2) Letter no. 1942/134 dt the 6th Dec 1912 Ex V from the Registrar, Chief Court, forwarding copy of the letter from the Sessions Judge of Myaw with the remark that the Chief Court consider it unnecessary and inexpedient to give any opinion at that stage.

3) Letter no. 375 dt the 14th Jan 1913 from the Dist. Magistrate, Myaw as called for Dist., submitting his opinion in regard to the comments made by the Sessions Judge of Myaw on the evidence given by the Amildar in the said case.

dt 4). Letter no. 643 dt the 20th Feb 1913 from the Inspector General of Police in Myaw forwarding a memorandum embodying his views on the subject and stating that the note of enquiry conducted by him at various places in the presence of all concerned discloses a most appalling state of affairs.

GPB—20,000—2-10-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

*(Continuation sheet draft form.)*

2175-9/a 2/2/14
cb 139-12-14

Order thereon - No.

The facts are briefly as follow :-

The Sessions Judge of the Mysore Division brought to the notice of the Chief Court that, in course of trial of the Kanya murder case, he found (1) that the investigation of the case by the Amildar of the Nanjangud Taluk was perfunctory and dilatory; (2) that he gave false evidence in the Sessions Court and (3) that he also influenced the Patel of the Kanya village to give false evidence. When the case subsequently went up before the Chief Court in appeal, the Judges observed that they saw no reason to endorse the remark of the Sessions Judge that the Amildar had committed perjury. Nevertheless, it has been clearly established that the investigation of the case

by the Amildar was not un-
satisfactory;—and in another
connection the Chief Court have
endorsed with approval the remarks
made by the City Magistrate of
Mysore that the proceedings of
this Amildar Magistrate betrayed
on his part a lamentable igno-
rance of the essentials of Criminal
Law.

Govt also observe that the record of this Amildar's work during the past five years has been uniformly unsatisfactory. In these circum-
stances, Govt direct that the Amildar Mr N. Srinivasa Rao now Amildar of Kolhar Taluk, should be reverted from the third class, in which he is ~~now~~ sub pro tem, to the fourth class of Amildars and warned that he will not again be given any promotion until he shows decided improvement and is reported upon favourably with regard to his Police work. And

EPB—15,000—13-11-11

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G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

*(Continuation sheet draft form.)*

General efficiency as an Amildar.

Desc 28/1 For Secy to Govt.

To The Registrar, Chief Court,

returning the records received with

his letter no. 1849/129 dy 2-12-1912

The Revenue in Mysore

The I.G. of Police in Mysore

The Dist. Magistrate, Mysore

Dist., returning the records

The Comptroller, Mysuru

Copy to Br I

30/1/14

Leg. - 116 MC
24.1.14
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Ltd Rec.

CF 31/1